

CHAPTER I GENERAL PROVISIONS

100.0 General

Pursuant to Roswell City Code, Chapter 18, the following constitute the *Personnel Rules and Regulations* of the City of Roswell and shall govern all phases of Personnel Administration. The rules shall supercede any rules heretofore adopted.

101.0 Authority for Rules

The *Personnel Rules and Regulations* shall be applicable to all City employees unless otherwise noted.

102.0 Authority for Administration

- A. Develop, maintain and apply procedures for the recruitment, selection, compensation, promotion, training, discipline and related aspects of Personnel Administration for all employees under the City Manager's jurisdiction;
- B. Maintain the City's classification and compensation plans;
- C. Recommend to the City Council such new or revised personnel rules as are deemed necessary and desirable;
- D. Issue supplemental regulations and directives necessary for the effective implementation of the *Personnel Rules and Regulations*;
- E. Recommend contractual arrangements with any qualified person or agency for the performance for technical and professional services required in the establishment and operation of the Personnel program;
- F. Delegate to the Human Resources Director the responsibilities and authorities designated herein and such others as are deemed necessary for successful administration of the Personnel program;
- G. Delegate to department heads the responsibilities and authorities described herein and such others as are deemed necessary;
- H. Maintain an adequate record of official acts under the *Personnel Rules and Regulations* and the employment record of each employee, as required by law.

103.0 Amendments to Personnel Rules and Regulations

Any amendments to the *Personnel Rules and Regulations* shall be recommended by the City Manager to the City Council for its approval. All amendments shall be adopted by resolution and shall become effective upon adoption by the City Council or on such date as designated by the City Council. Amendments shall be posted in each department, copies provided to employees, and employee shall acknowledge, in writing, receipt thereof.

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104.0 Supplemental Rules

Supplemental rules which are not in conflict with the *Personnel Rules and Regulations* may be drafted by a department head to meet specific needs of his area of responsibility. The supplemental rules must be submitted to and are subject to the approval of the City Manager and shall be filed with the Human Resources Director prior to implementation. Once approved by the City Manager, such supplemental rules shall have equal authority to the *Personnel Rules and Regulations*. Copies of supplemental rules shall be provided to the employees and the employees shall acknowledge, in writing, receipt thereof. If supplemental rules appear to conflict with the *Personnel Rules and Regulations*, the interpretation of the City Manager shall prevail.

105.0 Equal Employment Opportunity

It is the policy of the City of Roswell that equal opportunity shall apply in all personnel policies and practices and shall include, but not be limited to:

- A. recruitment, hiring and promotion of qualified persons without regard to race, creed, color, ancestry, religion, veteran status, national origin, sexual orientation, or gender identity, and without regard to age, sex or disability except where such is a bona fide occupational qualification;
- B. employment and promotion in accordance with the principles of equal employment opportunity based upon valid job requirements;
- C. personnel actions regarding compensation, benefits, transfers, promotions, demotions, layoffs, reinstatement, training, social and recreational programs administered without regard to race, creed, color, ancestry, religion, veteran status, national origin, sexual orientation, or gender identity, and without regard to age, sex or disability except where such is a bona fide occupational qualification.

106.0 Severance Clause

It is the intent of the governing body that the sections, paragraphs, sentences, clauses and phrases of the *Personnel Rules and Regulations* are severable, and if any phrase, clause, sentence, paragraph or section of the *Personnel Rules and Regulations* shall be determined to be invalid for any reason, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of the *Personnel Rules and Regulations*.

107.0 Disclaimer

No phrase, clause, sentence, paragraph or section of the *Personnel Rules and Regulations* shall be construed to create a contractual right between the City of Roswell and an employee. The City of Roswell reserves the right to amend any part of the *Personnel Rules and Regulations* as defined in Rule 102.0, 103.0 and 104.0.

CHAPTER II CLASSIFICATION PLAN

200.0 Classification of Positions

All positions shall be grouped into classes and be identified by a class title, class code and class specification. Each class shall include those positions sufficiently similar as to duties, responsibilities and qualifications.

201.0 Classified Positions

Most positions in the City service are classified. An employee in a classified position is entitled to all rights and benefits provided in the *Personnel Rules and Regulations* unless otherwise noted.

202.0 Unclassified Positions

Several positions in the City service are unclassified. An employee in an unclassified position is an at-will employee entitled to all rights and benefits provided in the *Personnel Rules and Regulations* except that he has no recourse through the Class A and Class B appeals procedure as outlined in Chapter IX. Examples of unclassified positions include the City Manager and Assistant City Manager.

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300.0 Compensation Plan

Each position in the classification plan shall be assigned a pay grade within the compensation plan. Each pay grade shall consist of a minimum step, a maximum step and intervening steps. The minimum step is the least which shall be paid to an employee and the maximum step is the most which shall be paid to an employee in a class assigned to the pay grade.

301.0 Adjustments to Compensation Plan

- A. An adjustment in the pay grade assignment of a class will change the pay rate of employees in the class in the same manner.
- B. An adjustment to the compensation plan as a whole (across-the-board) will change the pay rate of all employees in the compensation plan in the same manner. A cost-of-living adjustment is an adjustment to the compensation plan as a whole.
- C. Temporary employees are not necessarily entitled to a cost-of-living adjustment.

302.0 Pay

- A. An employee shall be paid in accordance with the established classification and compensation plan.
- B. The hourly rate of an FLSA overtime non-exempt employee within the pay grade of a class shall be the base pay rate and shall constitute total remuneration for regular hours of work, exclusive of employee benefits.
- C. The salary of a FLSA overtime exempt employee shall constitute the total remuneration for hours worked, exclusive of employee benefits.

303.0 Pay Days, Pay Weeks and Pay Periods

Pay days are every other Friday. A pay week is seven (7) calendar days from Friday 12:00 a.m. to the next Thursday at 11:59 p.m. A pay period consists of fourteen (14) calendar days from Friday 12:00 a.m. to Thursday 11:59 p.m.

304.0 Pay Changes—Effective Date

Pay changes become effective only on the first day of a pay period. A pay change that is a result of satisfactory performance shall become effective on the first day of the pay period falling on or following the anniversary date.

305.0 Pay at Initial Appointment

- A. A qualified person newly appointed to a position shall be paid at least the minimum step for the pay grade to which the class is assigned. Appointment may be made above the minimum step when the City Manager determines that it is necessary due to labor market

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conditions and such action is in the best interest of the city.

- B. When it is necessary, due to labor market conditions, to select a person who does not meet all of the qualifications of a position, the person may be paid at less than the minimum pay rate for the pay grade until all qualifications are met.

306.0 Pay at End of Initial Probation

A probationary employee who satisfactorily completes initial probation shall receive a one (1) step increase in the pay grade.

307.0 Pay at Performance Evaluation

- A. A regular employee who is not on a Performance Improvement Plan (PIP), which denotes unsatisfactory performance including failure to obtain or maintain required certification(s), will receive a one (1) step increase in the pay grade provided the employee has not reached the maximum step in the pay grade. A step increase is subject to available funds as determined by the City Council.
- B. A regular employee whose anniversary date is adjusted will receive his step increase, if applicable, in conjunction with the new performance evaluation date.

308.0 Pay at Reclassification of Position

An employee whose position is evaluated, reclassified and assigned to a different pay grade shall receive a pay increase or pay decrease of one (1) step in the new pay grade.

309.0 Pay at Transfer

An employee who transfers from a position in a class to a position in another class in the same or different department with the same pay grade assignment shall retain the same pay grade and step.

310.0 Pay at Promotion

An employee who is promoted to a position with a higher pay grade assignment shall receive a pay increase as follows, whichever gives the greater increase:

- a. Step A of the new higher grade; or
- b. a step within the higher grade which gives a one (1) step increase above the former salary.

311.0 Pay at Demotion

An employee who is demoted to a position with a lower pay grade assignment shall receive a pay decrease to a step within the lower pay grade which is, in the judgement of the department head and City Manager, the most appropriate step under the circumstances of the demotion. The new step shall not be higher than the step before the demotion.

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312.0 Pay at Termination

- A. A regular employee who terminates employment shall be paid for all earned wages for unused accrued annual leave.
- B. A probationary employee who has not completed initial probation and terminates employment shall be paid for all earned wages but not for unused accrued annual leave.
- C. A temporary employee who terminates employment shall be paid for all earned wages.

312.1 Pay at Termination–Payment

- A. Payment at termination will be made provided the employee has returned all City records, uniforms, keys, I.D. badges, gas cards, computer passwords or other items of City property in the employee's custody to his supervisor. An employee who does not return City property shall not receive his final paycheck until such property is returned or proper reimbursement made.
- B. A terminated employee shall be paid as required by law.

313.0 Longevity Pay

- A. A regular full-time employee who completed three (3) years of continuous service shall receive longevity pay effective on the first day of the pay period falling on or following the date of his third anniversary. The amount of longevity pay is five dollars (\$5.00) per month for each year of service beginning with fifteen dollars (\$15.00) per month. The amount increases annually on the first day of the pay period falling on or following the anniversary date.
- B. An employee who has his longevity date adjusted will receive his longevity pay or increases in longevity pay in conjunction with the new longevity date.
- C. An employee who terminates employment and is then reemployed shall lose any longevity prior to termination except in the case of reinstatement from military leave or layoff.

314.0 Overtime Pay

- A. A FLSA overtime non-exempt employee, other than a Fire Department shift employee or a sworn Police Department employee, who works in excess of forty (40) hours in a pay week shall be paid overtime. A non-exempt Fire Department shift employee who works in excess of one hundred six (106) hours in a pay period shall be paid overtime in accordance with FLSA. A non-exempt sworn Police Department employee who works in excess of eighty-six (86) hours in a pay period shall be paid overtime in accordance with FLSA.
- B. All overtime work is subject to prior approval of the department head or designee.

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- C. Leave with or without pay is not and shall not be considered time worked for the purposes of computing overtime compensation
- D. Compensatory time in lieu of payment for overtime work is not authorized.

315.0 Call Back Pay

A FLSA overtime non-exempt employee who has completed his regular scheduled shift and has left the work site and is ordered by his immediate supervisor to and does report back to work for emergency service shall be compensated for a minimum of two (2) hours or for the actual hours worked, whichever is greater. The two (2) hour minimum guarantee is considered time worked for the purposes of computing overtime. The minimum guarantee does not apply to assignments that are contiguous to the employee's regular scheduled shift.

316.0 On Call Pay

An employee who is on call as defined in the Definitions section shall be paid in accordance with FLSA regulations.

317.0 Standby Pay

An employee who is on standby as defined in the Definitions section shall be paid in accordance with FLSA regulations.

318.0 Holiday Pay–Full-Time Employees

A regular or probationary full-time employee, other than a Fire Department shift employee, who does not work on a holiday shall be paid eight (8) hours at the regular hourly rate of pay, for holidays observed by the City. A Fire Department shift employee shall be paid twelve (12) hours at the regular hourly rate of pay for holidays observed by the City.

318.1 Holiday Pay–Part-Time Employees

A regular or probationary part-time employee shall be paid for holidays observed by the City if the holiday falls on his regularly scheduled workday. The employee shall be paid for the number of hours regularly scheduled, up to eight (8) hours.

318.2 Holiday Pay–Temporary Employees

A temporary employee shall not be paid for holidays observed by the City unless required to work on a holiday in accordance with Rule 319.2.

318.3 Holiday Pay–Annual Leave

A holiday which falls within a pay period of annual leave shall be paid as a holiday and shall not be deducted from accrued annual leave.

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318.4 Holiday Pay–Sick Leave

A holiday which falls within a period of sick leave shall be paid as a holiday and shall not be deducted from accrued sick leave.

318.5 Holiday Pay–Absent Without Leave (AWOL)

An employee who is absent without leave (AWOL) on the work day preceding or following a holiday shall not be paid for the holiday.

318.6 Holiday Pay–Duty Disability Leave

An employee who is on duty disability leave shall not be paid for any holiday during the leave time.

318.7 Holiday Pay–Leave Without Pay

An employee who is on leave without pay shall not be paid for any holiday during the leave time.

319.0 Pay for Holiday Work–Full-Time Employees

- A. A regular or probationary full-time employee, except for a Fire Department shift employee, who works on a holiday observed by the City shall be paid at the regular hourly rate of pay for hours actually worked plus eight (8) hours at the regular hourly rate of pay for holiday pay. A Fire Department shift employee shall be paid at the regular hourly rate of pay for hours actually worked plus twelve (12) hours at the regular hourly rate of pay for holiday pay.
- B. Actual time worked on a holiday is considered time worked for the purpose of computing overtime.

319.1 Pay for Holiday Work–Part-Time Employees

- A. A regular or probationary part-time employee whose regularly scheduled work day falls on a holiday observed by the City and does work on the holiday shall be paid at the regular hourly rate of pay for scheduled hours worked plus one (1) additional hour of pay at the regular hourly rate of pay for each hour worked on the holiday up to a maximum of eight (8) hours.
- B. A regular or probationary part-time employee whose regularly scheduled work day does not fall on a holiday observed by the City and does work on the holiday shall be paid for the actual hours worked at the regular hourly rate of pay.

319.2 Pay for Holiday Work–Temporary Employees

A temporary employee who works on a holiday observed by the City shall be paid for the actual hours worked at the regular hourly rate of pay.

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400.0 Position Vacancy

A vacancy is defined as a budgeted position without an incumbent that the City has decided to fill. A vacant position may be filled as follows:

- A. A department head may transfer, promote or demote an employee in his department to the vacant position by a selection method approved by the City Manager.
- B. A department head may submit a personnel requisition to the Human Resources Department for preparation of a job posting.

401.0 Job Postings

- A. Job vacancy announcements shall be posted on City bulletin boards for a minimum of five (5) working days. Working days is defined as days that City Hall is open for business. Other forms of advertisement (newspaper, trade publications, etc.) may be used if necessary.
- B. For promotion openings in the Fire and Police Departments, openings may be posted by a selection method approved by the City Manager.

402.0 Applications

- A. A person who applies for a posted job vacancy must complete the standard application form and submit it to the Human Resources Department.
- B. An application will only be accepted when there is a posted job vacancy and only between the opening and closing dates.
- C. The application form shall not solicit information as to age, birth date, birthplace, citizenship, sex, marital status, number of dependents, race, color, political or religious affiliation, membership in clubs or organizations, physical handicaps, medical or psychiatric history or criminal conviction except for those positions where age, physical conditions, sex or absence of criminal convictions are bona fide occupational requirements or statutory requisites for public employment.

402.1 Applications–Current Employees

- A. A current employee may request a transfer, promotion or demotion to a position which is posted by submitting the standard application form to the Human Resources Department. No employee shall be denied the right to apply for any posted position.
- B. For promotion openings in the Fire and Police Department, the formal application process may be waived and an alternative selection method may be implemented on approval of the City Manager.

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403.0 Evaluation of Applicants

All applicants' qualifications and experience for a vacant position shall be evaluated against the same requirements.

404.0 Disqualification of Applicants

An applicant may be disqualified for further consideration if the applicant:

- A. lacks the minimum qualifications;
- B. is not physically or mentally fit to perform the duties of the position;
- C. is below the legal minimum age for employment for the position;
- D. does not properly complete the application;
- E. has falsified information on the application;
- F. fails to qualify on examination.

405.0 Reference Checks

The Human Resources Director shall determine the extent to which employment and personal references and other information provided by the applicant shall be checked.

406.0 Background Investigations

An applicant for a position which is determined by the City Manager to be filled by a person who is clear of felonious or infamous crimes or who is bondable will be subject to an examination of his conviction records and to a background investigation. Prior to a background investigation, the applicant shall sign a waiver allowing the City to conduct the investigation. An applicant for such a position may be disqualified from further consideration if the applicant:

- A. fails to meet statutory requirements on clearance from felonious or infamous crimes;
- B. is not bondable as required by the position;
- C. is unwilling to submit to required investigations;
- D. is shown to have falsified the application.

407.0 Examinations

Criteria used for competitive examinations shall be objective and shall be confined to matters which are directly job related and which validly and reliably test the capacity and fitness of the applicant to

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successfully perform the duties of the position for which the examination is held. Examinations may be written, oral, physical, performance, rating of training and experience or any combination of these or other tests.

408.0 Interviews

Interviews shall be conducted of qualified applicants.

409.0 Selection

Upon completion of examinations, reference checks, necessary background investigations and interviews, the department head shall recommend to the City Manager for approval the name of the applicant(s) he has selected for appointment.

410.0 Driver's License Checks

An applicant for a position requiring a driver's license shall have a driver's licence check run by the Human Resources Department prior to appointment. An applicant who does not have a required valid driver's license shall be disqualified from further consideration for the position.

411.0 Physical Examinations

Upon approval by the City Manager, the applicant must successfully complete a pre-employment physical examination before being appointed to the position if a physical examination is required for the position. The physical examination shall be conducted by a City-designated licensed physician at the expense of the City.

412.0 Appointment–Types of Positions

The three types of positions are:

- A. regular full-time–positions established with the expectation of indefinite continuity which require performance of forty (40) hours of work or more per work week;
- B. regular part-time–positions established with the expectation of indefinite continuity which require performance of less than forty (40) hours of work per work week;
- C. temporary–positions which are full or part-time and are established for six (6) months or less.

412.1 Appointment–Employee Status

An employee who is appointed to a position shall have one of the following types of status:

- A. probationary employee—an employee appointed to a regular full or part-time position who has not completed initial probation. A probationary employee has no right of appeal and can be terminated with or without cause.

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- B. regular employee—an employee appointed to a regular full or part-time position who has successfully completed initial probation.
- C. temporary employee—an employee appointed to a temporary full or part-time position. A temporary employee has no right of appeal, can be terminated with or without cause and is not eligible for salary increases or benefits.

412.2 Appointment—Temporary to Regular Position

A temporary employee who is appointed to a regular position will have his hire date effective on the date of appointment to the regular position. Seniority, longevity, leave accrual rate and performance evaluation shall be established from the date of appointment to the regular position.

412.3 Appointment—Former Employees

A person who left his employment with the City in good standing, other than for military leave, and is hired into his former position or any other position shall begin his employment as a new employee and shall be subject to the applicable rules.

413.0 Processing New Employees

Upon appointment, a new employee will be required to complete necessary paperwork within three (3) days of hire date in the Human Resources Department.

414.0 Initial Probation

An applicant appointed to a regular full or part-time position shall serve a probationary period of one (1) year.

414.1 Initial Probation—Temporary to Regular Position

A temporary employee who is appointed to a regular full or part-time position shall serve a probationary period of one (1) year beginning with the date of appointment to the regular position.

414.2 Initial Probation—Evaluation

Initial probation shall be considered a trial employment period during which time the supervisor and department head shall evaluate the probationary employee's progress.

414.3 Initial Probation—Satisfactory Completion

An employee who satisfactorily completes initial probation shall receive a one (1) step pay increase and be moved to regular status.

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414.4 Initial Probation–Termination

An employee who is serving initial probation may be terminated with or without cause in accordance with Rule 503.6.

414.5 Initial Probation–Transfer, Promotion or Demotion

An employee who is serving initial probation and is transferred, promoted or demoted to another position in another class in the same or different department will commence a new probationary period of one (1) year beginning with the date of transfer, promotion or demotion.

414.6 Initial Probation–Duty Disability Leave

An employee who is serving initial probation and is on duty disability leave over thirty (30) calendar days shall have his initial probation extended one (1) calendar day for each calendar day off beginning with the first day off on duty disability leave.

414.7 Initial Probation–Leave Without Pay

An employee who is serving initial probation and is on leave without pay over thirty (30) calendar days shall have his initial probation extended one (1) calendar day for each calendar day off beginning with the first day off on leave without pay.

414.8 Initial Probation–Appeal Procedure

An employee who is serving initial probation shall not be entitled to the appeal procedure.

415.0 Probation on Transfer, Promotion or Demotion to Fire or Police Department

An employee who has completed initial probation and is transferred, promoted or demoted to the position of Firefighter Recruit or Firefighter in the Fire Department or Police Recruit or Police Officer in the Police Department shall serve a one (1) year probation period. An employee will have the full rights of a regular employee unless otherwise noted.

416.0 Performance Evaluation

An employee's performance is evaluated on a day-to-day basis. Coaching, counseling and Performance Improvement Plans (PIP) will be utilized in situations where an employee's performance is unsatisfactory. A PIP will be implemented at any time that an employee's performance is less than satisfactory.

416.1 Performance Evaluation–Purpose

The purpose of performance evaluations is the improvement and/or correction of performance or behavior. Standard forms for the coaching, counseling and performance evaluation are available in the Human Resources Department.

416.2 Performance Evaluation–Objective

- A. The primary objective of performance evaluations is the delivery of quality service. There are two (2) categories of performance: satisfactory and unsatisfactory. This evaluation system will concentrate on the improvement of unsatisfactory performance or behavior. If an employee's performance or behavior becomes unsatisfactory, the supervisor will implement the following strategies:
1. If the performance or behavior of the employee is unsatisfactory but the problem is not willful defiance, the supervisor will initiate a coaching strategy to attempt to obtain the desired performance.
 2. If the coaching approach does not obtain the desired improvement in performance or behavior or the performance or behavior is willful defiance, the supervisor will implement a counseling approach together with the imposition of a Performance Improvement Plan (PIP). The PIP will state the area of responsibility and standards of performance or behavior that are deficient. The PIP will also identify the results of improvement of standards expected and the time frame in which to obtain the desired improvements.
 3. Failure to meet the desired improvement in performance or behavior will result in demotion or termination.
- B. The desire and objective is that this approach to performance evaluation will provide the supervisor with sufficient time to deal with the problems confronted an employee and sufficient effort can be given to correcting an employee's problems. On the other hand, if the correction cannot be obtained, the documentation will exist for appropriate action to be taken by management.

416.3 Performance Evaluation–Performance Improvement Plan (PIP)

An employee on a Performance Improvement Plan (PIP) or who has been on a PIP at any time during the year prior to his performance evaluation date is not eligible for a performance increase.

416.4 Performance Evaluation–Unsatisfactory Performance

An employee whose annual performance evaluation is less than satisfactory may be placed on a PIP and will result in a return to satisfactory performance. A failure to return to satisfactory performance will result in demotion or termination.

417.0 Performance Evaluation Date

Upon initial appointment, an employee shall have a performance evaluation date established one (1) calendar year from his date of hire. After successful completion of initial probation, the date shall remain the same for subsequent years of service, unless there is cause for the date to be changed.

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417.1 Performance Evaluation Date–Transfer, Promotion or Demotion

An employee who is transferred, promoted or demoted shall retain the same performance evaluation date. The performance evaluation date shall remain the same for subsequent years of service, unless there is cause for the date to be changed.

417.2 Performance Evaluation Date–Duty Disability Leave

An employee who is on duty disability leave for over thirty (30) calendar days shall have his performance evaluation date extended one (1) calendar day for each calendar day off beginning with the first day of on duty disability leave. The new date thus established shall be the performance evaluation date for subsequent years of service, unless there is cause for the date to be changed.

417.3 Performance Evaluation Date–Leave Without Pay

An employee who is on leave without pay for over thirty (30) calendar days shall have his performance evaluation date extended (1) calendar day for each calendar day off beginning with the first day off on leave without pay. The new date thus established shall be the performance evaluation date for subsequent years of service, unless there is cause for the date to be changed.

417.4 Performance Evaluation Date–Reinstatement from Military Leave

An employee who is reinstated from military leave shall have his performance evaluation date established one (1) year from date of reinstatement. The new date thus established shall be the performance evaluation date for subsequent years of service, unless there is cause for the date to be changed.

417.5 Performance Evaluation Date–Reinstatement from Layoff

An employee who is reinstated from layoff shall have his performance evaluation date established one (1) year from date of reinstatement. The new date thus established shall be the performance evaluation date for subsequent years of service, unless there is cause for the date to be changed.

418.0 Reinstatement from Military Leave

A regular full-time employee who returns from military leave without pay will be afforded the rights guaranteed by law.

419.0 Reinstatement from Layoff

- A. An employee who was laid off by the City shall be offered the first vacancy in his former or lower class in his former department which occurs within six (6) months following the layoff provided that:
 - 1. the person has maintained a current/correct address with the Human Resources Department.

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2. the person is physically and mentally capable of performing the duties of the position;
 3. the person meets the minimum qualifications and requirements of the position;
 4. the person desires reinstatement.
- B. If more than one (1) employee in the same class in the same department was laid off, reinstatement shall be offered in order of seniority.
- C.
1. The offer of reinstatement shall be made to the person by certified mail, return receipt requested, to the address on file with the Human Resources Department.
 2. A person who fails to respond to the offer of reinstatement within seven (7) calendar days following the day on which the offer was mailed will forfeit all rights of reinstatement and all other rights with the City.
 3. A person who declines to be reinstated after receiving the offer of reinstatement will forfeit all rights of reinstatement and all other rights with the City.
- D. Reinstatement from layoff shall be as follows:
1. The original hire date shall be reinstated as well as leave balances and longevity amount which remained at the time of layoff.
 2. A layoff for over thirty (30) calendar days is not creditable time for seniority, longevity or annual leave accrual rate.
 3. A new performance evaluation date will be established one (1) year from date of reinstatement in accordance with Rule 417.5.

420.0 Nepotism

The City of Roswell shall strive to avoid the practice and/or appearance of nepotism in employment. The following rules shall apply.

- A. No person shall be appointed to a position in any capacity if related to the Mayor, City Council member, City Manager or Assistant City Manager by consanguinity or affinity in a relationship to the third degree of kindred. The third degree of kindred includes: spouse, child, son-in-law, daughter-in-law, parent, parent-in-law, brother, brother-in-law, sister, sister-in-law, grandchild, great-grandchild, grandparent, great-grandparent, aunt, great-aunt, uncle, great-uncle, first cousin, niece and nephew and extends to step-family members.
- B. No person shall be appointed, transferred, promoted or demoted to a position which is under direct supervisor or departmental chain of command of a relative by consanguinity or affinity to the third degree of kindred as described in Rule 420.0 (A).

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- C. In the event that two employees are in position of direct or indirect supervision through any departmental chain of command and/or are in positions in the Fire or Police Departments where their job duties may require them to be in communication with each other during an emergency response situation, and these two employees establish a relationship by marriage, other operation of law, or through life-style accommodations being the substantial equivalent of a family relationship, then one of the employees shall remove himself to another position which is not under direct or indirect supervision of the other, subject to the approval of the City Manager. Such transfer shall occur within fourteen (14) calendar days of the change in relationship. Should neither of the individuals volunteer for transfer, the employee with the least amount of full-time, continuous service with the city shall be transferred by management, if a position is available, or laid-off, if no vacancy is available for which the individual is qualified.
- D. Exceptions to Rule 420.0 (A), (B) and (C) must be approved by the City Council if it is determined to be in the best interest of the City.
- E. Except as outlined in Rule 420.0 (A) and (B), no applicant or employee who is a relative of another City employee shall be prohibited from seeking and holding a City position or from transfer, promotion or demotion within the City service provided such applicant or employee meets all applicable qualifications on a competitive basis.

CHAPTER V CHANGES IN EMPLOYMENT STATUS

500.0 Transfer

An employee may be transferred to a position in the same or different department in the same pay grade provided he is physically and mentally capable of performing the duties of the position, meets the minimum qualifications and requirements of the position, qualifies on any necessary examination or physical examination and the transfer is in the best interest of the City. Reasons for transfer may include but are not limited to:

- A. the employee voluntarily requests a transfer;
- B. the employee would otherwise be laid off;
- C. the employee would be displaced by the return of the former incumbent from authorized leave;
- D. a decision by management that the services or skills of the employee can best be utilized in a different work unit.

501.0 Promotion

An employee may be promoted to a position in the same or different department in a higher pay grade provided he is physically and mentally capable of performing the duties of the position, meets the minimum qualifications and requirements of the position, qualifies on any necessary examination or physical examination and the promotion is in the best interest of the City.

502.0 Demotion

An employee may be demoted to a position in the same or different department in a lower pay grade provided he is physically and mentally capable of performing the duties of the position, meets the minimum qualifications and requirements of the position, qualifies on any necessary examination or physical examination and the demotion is in the best interest of the City. Reasons for demotion may include, but are not limited to:

- A. the employee voluntarily requests a demotion;
- B. the employee would otherwise be laid off;
- C. the employee would be displaced by the return of the former incumbent from authorized leave;
- D. the position has been reclassified to a lower pay grade;
- E. the employee does not possess the necessary qualifications of the position;
- F. the employee is subject to discipline for cause;
- G. the employee's performance is unsatisfactory.

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CHAPTER V CHANGES IN EMPLOYMENT STATUS

503.0 Termination

An employee may terminate employment with the City for either voluntary or involuntary reasons. Resignation, and in most cases, retirement is voluntary; disability, disability retirement, dismissal, death and layoff are involuntary reasons.

503.1 Termination–Voluntary Resignation

An employee may resign voluntarily by submitting a written resignation to his department head stating the effective date of resignation. A minimum advance notice of one (1) week is required and two (2) weeks is desirable. An employee who fails to give adequate notice may be denied reemployment with the City and may receive a poor employment reference. Failure to give adequate notice shall be recorded in the employee's personnel file.

503.2 Termination–Voluntary Retirement

An employee who is eligible for PERA retirement and wishes to retire shall notify his department head and the Human Resources Department to begin the retirement process. It is recommended that an employee contact the Human Resources Department at least sixty (60) days prior to the planned retirement date to begin the retirement process.

503.3 Termination–Absence Without Leave (AWOL)

An employee, other than a Fire Department shift employee, who is absent without leave (AWOL) for three (3) or more consecutive working days, or two (2) or more consecutive shifts for a Fire Department shift employee, without approval from his department head shall be considered to have voluntarily resigned by abandonment.

- A. A notice of termination shall be sent by the Human Resources Department by certified mail, return receipt requested, to the employee at his last known address.
- B. An employee who is AWOL and is served with a notice of termination may be reinstated only if the employee can demonstrate to the department head and the City Manager that circumstances of the absence made it impossible to notify the supervisor and request official leave. If reinstated, the missed time is to be charged to leave without pay.

503.4 Termination–Disability

- A. An employee may be terminated for disability when he is unable to perform the essential functions of his position. Termination for disability shall be supported by medical evidence acceptable to the City Manager. The City may require that an examination be performed at its expense by a City-designated physician.
- B. An employee who is subject to termination for disability may apply for a posted job opening for which he meets the required qualifications and is able to perform the essential functions.

CHAPTER V CHANGES IN EMPLOYMENT STATUS

503.5 Termination–Disability Retirement

An employee who is subject to termination for disability may apply for PERA Disability Retirement if he has sufficient tenure to qualify under PERA and meets PERA requirements. The employee must notify his department head and the Human Resources Department to begin the retirement process. Disability retirement may be for a disability incurred while on-duty or off-duty.

503.6 Termination–During Initial Probation

An employee may be terminated at any time during initial probation upon recommendation of the department head and approval by the City Manager, without cause. No cause need be stated by the department head nor the City Manager. An employee who is dismissed during initial probation shall not be entitled to the appeal procedure.

503.7 Termination–For Cause

- A. An employee may be terminated at any time for cause in accordance with Rule 804.4.
- B. An employee who is terminated for cause will not be considered for reemployment by the City.

503.8 Termination–Death

Termination by death of an employee shall be effective at the time of death. All compensation and payable benefits shall be payable in accordance with Rule 312.1 and as required by law.

503.9 Termination–Layoff

In the best interest of the City, the City Manager may determine that one or more positions must be discontinued or abolished. The City Manager reserves the right to alter the layoff procedure in order to insure an adequate level of service.

- A. The department head in a department subject to layoffs shall recommend to the City Manager the positions within the department to be abolished/deleted.
- B. The City Manager shall determine which positions in which departments shall be subject to layoff.
- C. The layoff of incumbent employees in classifications identified for layoff within the department will be implemented in the following order:
 - 1. Temporary employees in the position classification abolished within the department will be laid off first.
 - 2. Probationary employees in the position classification abolished within the department will be laid off second.

3. Part-time employees in the position classification abolished within the department will be laid off third.
 4. The least senior, non-probationary full-time employee in the position classification abolished within the department will be laid off fourth.
- D. If the actual abolished position is not occupied by the employee with the same classification who would be laid off first, as per the order identified in Rule 503.9 (C), and such an employee does exist within the department in the same classification, the employee in the classification identified for layoff, as per the order identified in Rule 503.9 (C), will be laid off and the employee in the actual abolished position will be transferred to the vacant position created by the laid off employee.
- E. If there is more than one (1) employee in the same status and order identified for layoff or transfer within the department, the least senior employee will be laid off or transferred.
- F. An employee approved for layoff will be given as much notice as is reasonable under the circumstances and is required by law. Such notice shall be written and shall state the reason for layoff and a copy placed in the employee's personnel file.
- G. A layoff is considered a permanent termination unless the employee is reinstated within six (6) months in accordance with Rule 419.0.

CHAPTER VI CONDITIONS OF EMPLOYMENT

600.0 Continuous Service

An employee is eligible for pay increases, seniority, longevity, leave accrual rate, performance evaluation and other purposes based on continuous service.

- A. Leave of absence with pay and leave of absence without pay of thirty (30) consecutive calendar days or less do not constitute breaks in service and are creditable time.
- B. Leave without pay for over thirty (30) consecutive calendar days is a break in service and is not creditable time.
- C. Military leave is creditable time for seniority, longevity and annual leave accrual rate.
- D. A layoff for over thirty (30) calendar days is not creditable time for seniority, longevity and annual leave accrual rate.
- E. A break in employment caused by resignation or other termination is not creditable service.

601.0 Work Week

The standard work week for most FLSA overtime non-exempt positions, except for Fire Department shift positions, is forty (40) hours per seven (7) day period. The average work week for Fire Department shift positions is fifty-six (56) hours.

602.0 Attendance

An employee shall arrive promptly and begin work at the scheduled time and place.

603.0 Notification of Absence

- A. An employee who is unable to arrive at work for whatever reason shall notify his supervisor as soon as possible, but no later than within the first hour of absence, giving the reason for failure to report and estimating, whenever possible, when he will be able to report for duty. This is a notification requirement and does not denote approval of such absence.
- B. An employee may not leave the work site prior to the end of the employee's shift without approval of the supervisor.
- C. An employee who knows in advance that he will be unable to report for duty shall notify and request approval from his supervisor prior to the day of absence.
- D. An employee who requests Family and Medical Leave shall submit a request in accordance with Rule 712.2.

CHAPTER VI CONDITIONS OF EMPLOYMENT

604.0 Break Time

Work breaks will be scheduled by the department head. Such breaks are paid time and shall be taken on the work site, unless approved by the department head.

605.0 Meal Time

An employee may be allowed time to eat during each work shift, as scheduled by the department head. The meal period shall consist of a minimum of thirty (30) minutes or a maximum of sixty (60) minutes. Meal time is unpaid time unless an employee is ordered by his supervisor to remain at the work site to perform necessary duties. If the employee is required to remain at the work site, the meal period is time worked and the employee shall be allowed to eat his meal on paid time while performing his duties.

606.0 Outside Employment

- A. Employment with the City is considered the primary employment of all full-time employees. An employee shall not engage in outside employment unless he has completed a form requesting outside employment and the request has been recommended by his supervisor and approved by the City Manager. A copy of the request form with the City Manager's approval or disapproval shall be filed in the employee's personnel file.
- B. The factors considered in reviewing a request for outside employment are performance, attendance, number of work hours and conflict of interest.
- C. Approval for outside employment may be reconsidered while an employee is off on family and medical leave, sick leave, duty disability leave or while on a Performance Improvement Plan (PIP).
- D. Requests for outside employment must be renewed and resubmitted for approval by the employee on an annual basis.

607.0 Political Participation

- A. An employee shall not campaign, distribute literature or solicit political contributions while on-duty, wearing a City uniform or using City equipment.
- B. An employee shall not prohibit the right of another employee to have or express a personal choice or commitment.
- C. An employee shall not designate himself to represent the City at any political meeting or in any political publicity.
- D. An employee shall not be expected, required or coerced to contribute to any campaign.
- E. No person shall solicit contributions or assessments for any political party or candidate while on duty, wearing a City uniform or using City equipment.

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- F. No person shall prohibit any City employee from voting or from exercising his political rights as a private citizen during non-duty hours.
- G. An employee who chooses to run and/or campaign for elected office shall take annual leave or leave without pay if he wishes to campaign during working hours.
- H. An employee appointed or elected to an elected office may retain City employment after appointment or election if the elected office is not incompatible with City employment under statutory definition.

608.0 Voting Time

An employee who is registered to vote and requests time off to vote will be granted time off as required by law. Such time off shall be scheduled by the supervisor and may be used for no other purpose. Misuse of this time may subject the employee to disciplinary action.

609.0 Contributions to Charities

An employee shall not be required to contribute funds to a community volunteer service or charity drive.

610.0 Telephone–Courtesy

An employee is expected to use the rules of everyday courtesy in using the City telephone. An employee shall identify himself and the department. An employee shall make every reasonable effort to direct any misdirected inquiries to the proper person and department.

610.1 Telephone–Personal Use

The City telephone is installed for business purposes. Personal use of the City telephone is subject to the approval of the supervisor.

611.0 Travel Expenses

An employee who is required by order or approval of his department head to travel on City business will be reimbursed for expenses according the state statutes and City regulations.

612.0 Dress and Appearance

An employee is expected to be neat in dress and appearance. Grooming and hairstyles shall comply with department regulations. Jewelry, accessories, shoes and headgear shall be safe and functional. An employee shall dress appropriately for work, as determined by the department head.

612.1 Dress and Appearance–Uniformed Personnel

- A. An employee who is furnished a uniform shall wear the complete uniform while on-duty.
- B. The uniform shall be neat, fresh and clean when an employee reports for duty. Shirt tails shall be worn inside pants or skirts and belts will be worn with pants.

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- C. A uniformed employee shall not wear any part of his uniform during off-duty hours except when traveling to and from work.

612.2 Dress and Appearance–Non-Uniformed Personnel

An employee who is not furnished a uniform shall wear neat, clean, informal clothes. Very casual clothing, evening wear and play clothes shall not be worn.

613.0 City Vehicles

City vehicles are provided for the efficient operation of City business. A person operating or riding in a City vehicle shall be subject to all applicable laws. City vehicles are not for personal use except as authorized by the City Manager.

613.1 City Vehicles–Break and Meal Time

- A. City vehicles may not be used to travel to a different location for break time or to conduct personal business.
- B. Specific instructions on travel for break time will be provided by the supervisor. The time, location and length of a break will be specified by the supervisor.
- C. Meal time is considered the employee's time. However, City vehicles may not be used to travel to an eating establishment unless the employee is subject to recall to service or is required to remain in contact with his office or supervisor.

613.2 City Vehicles–Use After Hours

A department head may be authorized by the City Manager to use his City vehicle after normal working hours solely for conducting City business.

613.3 City Vehicles–Use for Call Back

An employee who is subject to being called back after hours may be authorized by his department head to use a City vehicle after normal working hours for purposes of answering emergency calls.

614.0 Work Safety

An employee shall follow safe work procedures while on duty. Safety standards are available from the Safety Department.

615.0 Driving Safety

- A. An employee who operates a City vehicle or a private vehicle while on City business shall strictly adhere to posted speed limits and other motor vehicle traffic regulations. Vehicles shall be operated in a safe and responsible manner appropriate to road, traffic and weather conditions with special regard to driving courtesy.

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- B. An employee who operates a City vehicle or a private vehicle while on City business is required to have a valid driver's license as outlined in Rule 616.0. An employee is responsible for any fines or parking violations incurred as a result of driving.
- C. An employee who is involved in an accident involving a City vehicle or a private vehicle used while on City business must report the accident to his supervisor in the applicable format for Safety Department review.

616.0 Driver's License

An employee whose position requires the operation of City vehicle or a private vehicle while on City business on a regular or occasional basis shall possess, or acquire within thirty (30) calendar days of hire date and maintain a valid driver's license issued by the State of New Mexico for the proper class of vehicle he does or will operate.

616.1 Driver's License–Verification

For positions requiring a driver's license, the following shall apply:

- A. Prior to appointment to a position requiring a driver's license, an applicant is subject to a driver's license check in accordance with Rule 410.0.
- B. A current employee whose position requires a driver's license shall be subject to an annual driver's license check conducted by the Human Resources Department.

617.0 Loss of Driver's License–Duty to Report

An employee whose position requires a driver's license and whose driver's license is revoked or suspended must report the loss to his supervisor immediately. An employee who fails to report the revocation or suspension of his driver's license is subject to immediate dismissal.

617.1 Loss of Driver's License–Operation of City Vehicle

An employee whose driver's license has been revoked or suspended shall not operate any City vehicle or a private vehicle while on City business throughout the term of such revocation or suspension. An employee who violates this rule is subject to immediate dismissal.

617.2 Loss of Driver's License–Operation of City Vehicle–Exceptions

The operation of off-road equipment which does not require a driver's license shall not be considered as operation of a motor vehicle for the purposes of this rule.

CHAPTER VI CONDITIONS OF EMPLOYMENT

617.3 Loss of Driver's License—Supervisor's Responsibility and Discipline for Violation

A supervisor who causes or permits an employee to operate a City vehicle knowing that the employee's driver's license is revoked or suspended will have provided cause for dismissal.

617.4 Loss of Driver's License—Assignment Status

- A. An employee whose job requires a driver's license and reports the revocation or suspension of his driver's license to the supervisor will no longer be qualified to perform his assigned duties and the employee may be placed on layoff status for up to (30) calendar days. If the employee regains his driver's license within the thirty (30) calendar day layoff, the employee may be reinstated to the position held prior to the revocation or suspension of the driver's license. If the employee's license is not reinstated within the thirty (30) calendar day period, the employee will be terminated for failure to meet the qualification/certification of his assignment.
- B. If a vacancy exists that the department decides to fill that does not require a driver's license, the position may be offered to the employee who has had his license revoked or suspended, if he is physically and mentally capable of performing the duties of the position and meets the minimum qualifications and requirements of the new position. If the employee accepts this position, the City has no obligation to reinstate or offer the employee his position held prior to the revocation or suspension of the license, should the license be reinstated at a later date.

617.5 Loss of Driver's License—Probationary and Temporary Employees

An employee who is serving initial probation or a temporary employee whose driver's license has been revoked or suspended will be terminated for failing to meet the requirements/qualifications of the job.

618.0 Personnel Files

The Human Resources Department shall maintain the official personnel files of all City employees. Personnel files shall contain information which is needed by the City or which is required by federal, state or local law. These files are the property of the City.

618.1 Personnel Files—Updates

It is the responsibility of an employee to update his personnel file and to notify the Human Resources Department in writing of any changes in the following:

- A. name;
- B. address;
- C. telephone number;

CHAPTER VI CONDITIONS OF EMPLOYMENT

- D. marital status (for insurance and tax withholding purposes);
- E. number of dependents (for insurance and tax withholding purposes);
- F. beneficiary designations (for insurance and retirement purposes);
- G. emergency contact name and telephone number;
- H. awards and continuing education information;
- I. W-4 information.

618.2 Personnel Files—Examination by Employee

- A. An employee may be allowed to examine his own personnel file by written request and appointment with the Human Resources Department. If the review of the file is to occur during duty time, the employee must obtain approval from his supervisor to leave the work site. The employee may request a copy of any of the information in his personnel file, to be made by the Human Resources Department. A reasonable fee for such copies may be charged in accordance with the Public Records Inspection Act.
- B. An employee may not remove anything from his personnel file. An employee who, after examining his personnel file, feel that any item is inaccurate or irrelevant may submit a written request to the Human Resources Director to have the material revised or removed from the file. If the request is not granted, the employee may place a written statement of disagreement in his file.
- C. An employee is prohibited from examining any personnel files other than his own except as outlined in Rule 618.3, or as required by “The Inspection of Public Records Act” of the State of New Mexico.

618.3 Personnel Files—Examination by Others

- A. An employee’s personnel file may be examined by the City Manager, member of the Human Resources Department, official auditor, the employee’s supervisor, employee’s department head, other supervisor or department head who is considering an employee for transfer, promotion or demotion to his department, a City attorney and/or a City representative authorized by the City Manager or designee.
- B. An employee may sign a release of information form to allow others to examine his file provided that such release is filed in his personnel file before the examination.

618.4 Personnel Files—Retention

The Human Resources Department shall retain personnel files as required by federal, state and local laws. Personnel files shall be not be purged except by order of a court or tribunal of competent jurisdiction.

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619.0 Personnel Information–Release of Information

The City of Roswell, because of concerns for confidential information in employee records, will not release any information to any source without a signed release of information form from the employee except for:

- A. employment dates;
- B. class title;
- C. department;
- D. gross rate of pay;
- E. other information requested to be disclosed by “The Inspection of Public Records Act” of the State of New Mexico.

CHAPTER VII LEAVES AND BENEFITS

700.0 Holidays

The City observes eight (8) holidays per year as follows:

- | | | |
|----|----------------------|-------------------------------|
| 1. | New Year's Day | January 1 |
| 2. | President's Day | Third Monday in February |
| 3. | Memorial Day | Last Monday in May |
| 4. | Independence Day | July 4 |
| 5. | Labor Day | First Monday in September |
| 6. | Thanksgiving Day | Fourth Thursday in November |
| 7. | Thanksgiving Holiday | Friday following Thanksgiving |
| 8. | Christmas Day | December 25 |

700.1 Holidays—On Weekends

A holiday which falls on a Saturday shall be observed on the preceding Friday. A holiday which falls on a Sunday shall be observed on the following Monday.

701.0 Personal Leave—Full-Time Employees

- A. A regular full-time employee who has completed a full calendar year of employment shall receive one (1) paid personal leave day or shift per calendar year which is accrued January 1 of each year.
- B. Personal leave time shall be used as a whole during the year and shall not be carried over at the end of the year.
- C. Personal leave time shall be in addition to other paid leave time.
- D. Personal leave requests are subject to the approval of the employee's department head. Personal leave requests will be considered on a first-come/first-served basis.

701.1 Personal Leave—Part-Time Employees

A regular part-time employee, who works 1,040 hours per calendar year or more and who has completed a full calendar year of employment shall receive personal leave time on a prorated basis calculated on average hours worked per month which is accrued January 1 of each year.

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701.2 Personal Leave–Temporary Employees

A temporary employee is not eligible for personal leave.

701.3 Personal Leave–Duty Disability Leave

An employee who is on duty disability leave for over thirty (30) consecutive calendar days during a calendar year shall not be eligible to accrue personal leave.

701.4 Personal Leave–Leave Without Pay

An employee who is on leave without pay for over thirty (30) consecutive calendar days during a calendar year shall not be eligible to accrue personal leave.

701.5 Personal Leave–Termination

An employee who terminates shall not be compensated for unused accrued personal leave.

702.0 Types of Authorized Leave–With Pay

Leave with pay may be authorized for one of the following reasons: annual leave, sick leave, duty disability leave, emergency leave, military training leave, court leave, jury duty leave, short-term education leave or family and medical leave.

703.0 Annual Leave

Annual leave provides an employee with a paid vacation each year although it may be used for other needs which require absence during working hours. An employee shall use at least one (1) week of annual leave per year as a unit for the employee's physical, mental and emotional well-being, provided the employee has enough accrued annual leave. An employee shall not use annual leave until the time has accrued.

703.1 Annual Leave–Approval

- A. An employee shall submit an annual leave request in writing to his supervisor for approval. Such request shall be submitted sufficiently in advance to allow for the scheduling and reassignment of work by the supervisor. Annual leave requests will be considered by the supervisor on a first-come/first-served basis based on the needs of the department. The maximum amount of annual leave that an employee may take at any one time is three (3) weeks.
- B. An employee who requests annual leave for the purpose of family and medical leave shall submit his request in accordance with Rule 712.2.

703.2 Annual Leave–Accrual Rate–Full-Time Employees

A regular or probationary full-time employee will accrue annual leave on the last day of the month. An

CHAPTER VII LEAVES AND BENEFITS

employee must complete one (1) full calendar month of employment after initial appointment before annual leave begins to accrue.

- A. Annual leave accrual rates for 2,080 hours per year employees are as follows:
- | | |
|----------------------------|---|
| 1 - 60 months of service | 6.66 hours per month or 80 hours per year |
| 61 - 180 months of service | 10 hours per month or 120 hours per year |
| 181+ months of service | 13.33 hours per month or 160 hours per year |
- B. Annual leave accrual rates for 2,920 hours per year employees are as follows:
- | | |
|----------------------------|--|
| 1 - 60 months of service | 10 hours per month or 120 hours per year |
| 61 - 180 months of service | 15 hours per month or 180 hours per year |
| 181+ months of service | 20 hours per month or 240 hours per year |

703.3 Annual Leave–Accrual Rate–Part-Time Employees

A regular or probationary part-time employee will accrue annual leave on a prorated basis calculated on average hours worked per month, in accordance with Rule 703.2. An employee must complete one (1) full calendar month of employment after initial appointment before annual leave begins to accrue.

703.4 Annual Leave–Accrual–Return from Duty Disability Leave

- A. An employee who has been on duty disability leave for over thirty (30) consecutive calendar days must complete one (1) full calendar month of employment after he returns to work before annual leave begins to accrue.
- B. An employee who has been on duty disability leave for over thirty (30) consecutive calendar days and returns to work for less than his full shift will accrue annual leave on a prorated basis calculated on the actual number of hours worked per day until he is returned to his full shift.

703.5 Annual Leave–Accrual–Return from Leave Without Pay

- A. An employee who has been on leave without pay for over thirty (30) consecutive calendar days must complete one (1) full calendar month of employment after he returns to work before annual leave begins to accrue.
- B. An employee who has been on leave without pay for over thirty (30) consecutive calendar days and returns to work for less than his full shift will accrue annual leave on a prorated basis calculated on the actual number of hours worked per day until he is return to his full shift.

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703.6 Annual Leave–Temporary Employees

A temporary employee does not accrue annual leave.

703.7 Annual Leave–Probationary Employees

An employee who is serving initial probation will accrue annual leave during probation but shall not use such leave until satisfactory completion of initial probation.

703.8 Annual Leave–Deductions

Annual leave will be deducted hour per hour as taken.

703.9 Annual Leave–Long-Term Leave With Pay

An employee who is on leave with pay for over six (6) consecutive months shall not accrue annual leave for longer than six (6) months.

703.10 Annual Leave–Duty Disability Leave

An employee who is on duty disability leave for over thirty (30) consecutive calendar days shall not accrue annual leave during the time off nor shall the time off be creditable service for leave accrual rate purposes beginning with the first day off on duty disability leave.

703.11 Annual Leave–Leave Without Pay

An employee who is on leave without pay for over thirty (30) consecutive calendar days shall not accrue annual leave during the time off nor shall the time off be creditable service for leave accrual rate purposes beginning with the first day off on duty disability leave.

703.12 Annual Leave–Military Leave

An employee who is on military leave and is reinstated shall not accrue annual leave for the period of military leave.

703.13 Annual Leave–Layoff

An employee who is laid off and is reinstated shall not accrue annual leave for the period of layoff.

703.14 Annual Leave–Termination

- A. A regular employee who terminates shall be paid for unused accrued annual leave.
- B. A probationary employee who terminates shall not be paid for unused accrued annual leave.

CHAPTER VII LEAVES AND BENEFITS

703.15 Annual Leave–Exhaustion of Accrued Time

An employee who has used all of his accrued annual leave, and sick leave is not applicable, shall be placed on leave without pay. The employee shall be subject to all rules pertaining to leave without pay.

703.16 Annual Leave–Carry Over

- A. An employee, other than a Fire Department shift employee, may carry over a maximum of two hundred (200) hours of annual leave at the end of the calendar year. Annual leave over two hundred (200) hours shall not be carried over and shall be forfeited.
- B. A Fire Department shift employee may carry over a maximum of three hundred (300) hours of annual leave at the end of the calendar year. Annual leave over three hundred (300) hours shall not be carried over and shall be forfeited.

704.0 Sick Leave

An employee may request sick leave for the following purposes: sickness, non-duty disability, medical treatment or hospitalization (for reasons other than family and medical leave or duty disability), family and medical leave, doctor's appointments or illness of immediate family. An employee shall not use sick leave until the time is accrued.

704.1 Sick Leave–Approval

- A. An employee shall notify his supervisor of his absence due to sick leave in accordance with Rule 603.0, for reasons other than family and medical leave. Notification of absence is not approval of sick leave. Sick leave is subject to the approval of the supervisor and may require documentation.
- B. An employee who requests family and medical leave shall request such leave in accordance with Rule 712.2.

704.2 Sick Leave–Proof of Reason

- A. An employee, other than a Fire Department shift employee, shall not be on sick leave for more than three (3) consecutive working days without a signed, written statement from a licensed health care provider stating the nature and extent of the employee's absence.
- B. A Fire Department shift employee shall not be on sick leave for more than two (2) consecutive shifts without a signed, written statement from a license health care provider stating the nature and extent of the employee's absence.
- C. A department head, may, at any time, require an employee to furnish a signed, written statement from a licensed health care provider stating the nature and extent of the employee's absence due to sickness, illness or injury.
- D. An employee who requests and is approved for family and medical leave may be required

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to submit a signed, written statement from a licensed health care provider stating the nature and extent of the absence in accordance with Rule 712.2 and the Family and Medical Leave Act.

704.3 Sick Leave–Abuse

An employee who abuses sick leave by using it for purposes other than those outlined in Rule 704.0 shall have the absence charged as leave without pay and will be subject to severe disciplinary action, including possible dismissal. It is management's right to verify the use of sick leave and management may, at its discretion, verify sick leave requests by conducting home visits and/or calls.

704.4 Sick Leave–Accrual Rate–Full-Time Employees

A regular or probationary full-time employee, other than a Fire Department shift employee, will accrue sick leave at the rate of eight (8) hours per month to be accrued on the last day of the month. Fire Department shift employees will accrue sick leave at the rate of sixteen (16) hours per month to be accrued on the last day of the month. An employee must complete one (1) full calendar month of employment after initial appointment before sick leave begins to accrue.

704.5 Sick Leave–Accrual Rate–Part-Time Employees

A regular or probationary part-time employee will accrue sick leave on a prorated basis calculated on the average hours worked per month to be accrued on the last day of the month. An employee must complete one (1) full calendar month of employment after initial appointment before sick leave begins to accrue.

704.6 Sick Leave–Accrual–Return from Duty Disability Leave

- A. An employee who has been on duty disability leave for over thirty (30) consecutive calendar days must complete one (1) full calendar month of employment after he returns to work before sick leave begins to accrue.
- B. An employee who has been on duty disability leave for over thirty (30) consecutive calendar days and returns to work for less than his full shift will accrue sick leave on a prorated basis calculated on the actual number of hours worked per day until he is returned to his full shift.

704.7 Sick Leave–Accrual–Return from Leave Without Pay

- A. An employee who has been on leave without pay for over thirty (30) consecutive calendar days must complete one (1) full calendar month of employment after he returns to work before sick leave begins to accrue.
- B. An employee who has been on leave without pay for over thirty (30) consecutive calendar days and returns to work for less than his full shift, will accrue sick leave on a prorated basis calculated on the actual number of hours worked per day until he is returned to his full shift.

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704.8 Sick Leave–Temporary Employees

A temporary employee does not accrue sick leave.

704.9 Sick Leave–Probationary Employees

An employee who is serving initial probation shall accrue sick leave during probation and may use such leave as the sick leave is accrued.

704.10 Sick Leave–Deductions

Sick leave will be deducted hour per hour as taken.

704.11 Sick Leave–Long-Term Leave With Pay

An employee who is on leave with pay for over six (6) consecutive months shall not accrue sick leave for longer than six (6) months.

704.12 Sick Leave–Duty Disability Leave

An employee who is on duty disability leave for over thirty (30) consecutive calendar days shall not accrue sick leave during the time off beginning with the first day off on duty disability leave.

704.13 Sick Leave–Leave Without Pay

An employee who is on leave without pay for over thirty (30) consecutive calendar days shall not accrue sick leave during the time off beginning with the first day off on leave without pay.

704.14 Sick Leave–Military Leave

An employee who is on military leave and is reinstated shall not accrue sick leave for the period of military leave.

704.15 Sick Leave–Layoff

An employee who is laid off and is reinstated shall not accrue sick leave for the period of layoff.

704.16 Sick Leave–Termination

An employee who terminates shall not be paid for unused accrued sick leave.

704.17 Sick Leave–Exhaustion of Accrued Time

An employee who has used all of his accrued sick leave may request to use accrued annual leave, if applicable, for sick leave purposes until annual is exhausted. If sick leave and annual leave are both exhausted, an employee shall request leave without pay.

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704.18 Sick Leave–Carry Over

- A. An employee, other than a Fire Department shift employee, may carry over a maximum of one thousand and forty hours (1,040) hours of sick leave at the end of the calendar year. Sick leave over one thousand and forty hours (1,040) hours shall not be carried over and shall be forfeited.
- B. A Fire Department shift employee may carry over a maximum of one thousand four hundred and fifty-six (1,456) hours of sick leave at the end of the calendar year. Sick leave over one thousand four hundred and fifty-six (1,456) hours shall not be carried over and shall be forfeited.
- C. An employee whose sick leave accrual is above the maximum accrual rate, as of the date of this policy, shall maintain the accrued hours he has and shall not accrue additional hours until they fall below the policy limits.

705.0 Sick Leave Incentive

Sick leave incentive is given to an employee for low sick leave use and shall be awarded in accordance with Rule 705.1 through 705.2.

- A. Sick leave incentive shall be awarded January 1 of each year.
- B. An employee must complete one (1) calendar year of employment to be eligible for sick leave incentive. An employee who is on duty disability leave or leave without pay for over thirty (30) calendar days per calendar year shall not be eligible for sick leave incentive.

705.1 Sick Leave Incentive–Full-Time Employees

- A. A regular full-time employee, other than a Fire or Police Department shift employee, who uses twenty-four (24) hours or less of sick leave per calendar year will receive eight (8) hours of annual leave. A Fire Department shift employee who uses seventy-two (72) hours or less of sick leave per calendar year will receive sixteen (16) hours of annual leave. A Police Department shift employee who uses thirty (30) hours or less of sick leave per calendar year will receive eight (8) hours of annual leave.
- B. A regular full-time employee, other than a Fire or Police Department shift employee, who uses eight (8) hours or less of sick leave per calendar year will receive sixteen (16) hours of annual leave. A Fire Department shift employee who uses twenty-four (24) hours or less of sick leave per calendar year will receive thirty-two (32) hours of annual leave. A Police Department shift employee who uses ten (10) hours or less of sick leave per calendar year will receive sixteen (16) hours of annual leave.

705.2 Sick Leave Incentive–Part-Time Employees

- A. A regular part-time employee who works 1,040 hours per calendar year or more and uses

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twelve (12) hours or less of sick leave per calendar year will receive four (4) hours of annual leave.

- B. A regular part-time employee who works 1,040 hours per calendar year or more and uses four (4) hours or less of sick leave per calendar year will receive eight (8) hours of annual leave.

706.0 Duty Disability Leave

An employee who is injured while on duty and is released from duty by the City's licensed health care provider shall be placed on duty disability leave. If an employee is eligible for worker's compensation, the City will pay the first seven (7) days, charged to the employee's accrued sick leave, beginning with the day after the accident and worker's compensation benefits shall begin on the eighth (8th) day. If an employee has no accrued sick leave, the first seven (7) days will be charged to leave without pay.

- A. Other than the first seven (7) days, duty disability leave shall not be charged to annual or sick leave.
- B. If an employee used sick leave for the first seven (7) days and is on duty disability for more than four (4) weeks from the date of injury, he has the option of having the first seven (7) days charged to his sick leave or to reimburse the City for the sick leave taken. If the employee chooses to reimburse the City, he would have his sick leave balance credited with the amount of time taken and receive compensation benefits at the rate established by the worker's compensation carrier.
- C. If the employee was charged leave without pay for the first seven (7) days and is on duty disability for more than four (4) weeks from the date of injury, he shall receive compensation benefits at the rate established by the worker's compensation carrier for the first seven (7) days.
- D. Duty disability leave over thirty (30) consecutive calendar days shall not be creditable time for pay increases, seniority, longevity, annual leave accrual rate, performance evaluation or other purposes. Annual leave, sick leave or PERA service shall not be accrued during the time off in accordance with Rule 703.10, 704.12 and PERA laws.

707.0 Emergency Leave

An employee may request annual or sick leave in the event of a serious illness or death of a family member. Such leave may be granted for a period up to six (6) working days, or two (2) shifts for a Fire Department shift employee, by the department head, per incident. Leave beyond six (6) working days, or two (2) shifts for a Fire Department shift employee, is subject to the approval of the City Manager. The employee must obtain approval by the department head prior to taking emergency leave. The employee will provide proof of illness or death and must obtain approval by the department head prior to taking emergency leave. If annual or sick leave is not available, an employee shall request leave without pay.

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708.0 Military Training Leave–Full and Part-Time Employees

- A. A full or part-time employee who is a member of an organized unit of the army or air national guard or army, air force, navy, marine or coast guard reserves shall be given not to exceed fifteen (15) working days' military training leave with pay per federal fiscal year when the employee is ordered to duty for training.
- B. Military training leave is in addition to other leave with pay.
- C. Military training leave is considered creditable service toward pay increases, seniority, longevity, annual leave accrual rate and performance evaluation.
- D. An employee shall furnish his department head with the written orders for military training prior to the effective date. A copy shall be placed in the employee's personnel file.

708.1 Military Training Leave–Temporary Employees

- A. A temporary employee who is ordered to military training may be granted leave without pay not to exceed fifteen (15) working days' per federal fiscal year.
- B. An employee shall furnish his department head with the written orders for military training prior to the effective date. A copy shall be placed in the employee's personnel file.

709.0 Court Leave–City Business

An employee who is subpoenaed or directed by proper authority to appear in an official capacity arising out of his City duty as a witness for the Federal government, State of New Mexico or political subdivision thereof, shall be granted court leave and considered to be on City business. Such court leave is on paid status.

709.1 Court Leave–Non-City Business

An employee who is subpoenaed or directed by proper authority to appear in court for reasons not related to his City duty shall be granted court leave and may request to use accrued annual leave or leave without pay. The employee shall provide his supervisor with a copy of such subpoena or order and request court leave as soon as possible, prior to the effective date of the leave.

710.0 Jury Duty Leave

- A. An employee who is called for jury duty will be paid at his regular rate of pay for work time missed to perform such duty.
- B. An employee shall furnish his department head with the paperwork summoning him to jury duty and shall notify his department head as soon as possible prior to the effective date of the jury duty.

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711.0 Short-Term Educational Leave

An employee may be granted leave with pay to engage in formal education or training which is determined by the department head to be directly related to the job and is intended to improve the quality of City service. Such leave will be paid at the regular rate of pay and shall not exceed three (3) months. Such leave is subject to the recommendation by the department head and approval of the City Manager. Short-term education leave shall be creditable service toward pay increases, seniority, longevity, annual leave accrual rate and performance evaluation.

712.0 Family and Medical Leave

- A. An eligible employee may request family and medical leave, in accordance with the Family and Medical Leave Act, for the following reasons:
 - 1. the birth of the employee's child and in order to care for the child;
 - 2. the placement of a child with the employee for adoption or foster care;
 - 3. to care for a family member, as defined by the Family and Medical Leave Act, who has a serious health condition;
 - 4. a serious health condition that renders the employee incapable of performing the functions of his job.
- B. The leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of birth or placement.
- C. An eligible employee shall use annual leave, sick leave or personal leave, if available, for family and medical leave. If such leave is not available, the time off shall be leave without pay. The employee shall be subject to all rules pertaining to leave without pay.
- D. An employee may be granted twelve (12) weeks of family and medical leave per calendar year, as required by law.

712.1 Family and Medical Leave–Eligibility

An employee who has been employed for at least twelve (12) months and for at least 1,250 hours in the 12-month period preceding the leave is eligible for family and medical leave.

712.2 Family and Medical Leave–Request for Leave

- A. An employee who requests family and medical must complete an "Application for Family and Medical Leave" form and submit it to the Human Resources Department and City Manager for approval. A copy will be maintained by the Human Resources Department. The employee must also submit a "Medical Certification Statement" in accordance with Rule 712.3.

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- B. An employee who requests family and medical leave because of an expected birth or placement, or because of planned medical treatment, must submit an application at least thirty (30) days before family and medical leave is to begin. In emergency situations, an employee must submit an application for family and medical leave as soon as possible.

712.3 Family and Medical Leave—Medical Certification for Leave

- A. An employee who submits an application for family and medical leave shall also submit a “Medical Certification Statement” completed by the applicable licensed health care provider. The certification shall state the date on which the health condition commenced, the probable duration of the condition and the medical facts regarding the condition.
- B. If the employee is needed to care for a family member, as defined by the Family and Medical Leave Act, the certification shall state such and include an estimate of the time the employee will be needed.
- C. If the employee has a serious health condition, the certification shall state that the employee cannot perform the essential functions of the job.

712.4 Family and Medical Leave—Benefits During Leave

- A. An employee who is on family and medical leave shall continue to be covered on the City’s group health and life insurance plan. The employee is responsible for continuing to pay the employee’s portion of the premiums.
- B. An employee shall reimburse the City for payment of his portion of the premiums for the period of unpaid family and medical leave.
- C. If the family and medical leave is unpaid, the employee is subject to all rules pertaining to leave without pay.

712.5 Family and Medical Leave—Return from Leave

- A. An eligible employee who is granted family and medical leave, with the exception of a key employee, and returns to work, shall be reinstated to his same position or to a position with equivalent pay, benefits and other terms and conditions of employment, provided the employee is physically and mentally capable of performing the duties of the position and meets the qualifications of the position. The City will not guarantee that an employee will be returned to his same job. A determination as to whether a position is equivalent will be made by the City Manager.
 - 1. A key employee is an employee who is FLSA overtime exempt and is among the highest paid ten percent (10%) of the City’s employees on the date that family and medical leave is requested.
 - 2. A key employee who takes family and medical leave may be denied restoration to employment, as determined by the City Manager.

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- B. An employee must complete and submit to the Human Resources Department a “Notice of Intention to Return from Family and Medical Leave” form before he can return to work.
- C. An employee who wishes to return to work prior to the expiration of family and medical leave shall notify his department head at least five (5) working days prior to the employee’s desired date of return to work.

712.6 Family and Medical Leave–Failure to Return from Leave

An employee who fails to return to work upon expiration of family and medical leave may be subject to dismissal in accordance with Rule 809.0, unless an extension is granted. An employee who requests an extension of family and medical leave due to the continuation, recurrence or onset of his own serious health condition, or the serious health condition of his family member, as defined by the Family and Medical Leave Act, must submit a request for an extension in writing to his department head and City Manager. The written request shall be made as soon as the employee knows that he will not be able to return to work at the expiration of family and medical leave.

713.0 Types of Authorized Leave–Without Pay

Leave without pay may be authorized for the following reasons: personal business, military leave, non-duty disability that goes beyond leave with pay, family and medical leave, long-term education leave or other reasons where annual or sick leave are not applicable.

714.0 Leave Without Pay

Authorized leave without pay is granted with the understanding that the employee shall return to duty promptly at the expiration of such leave. Failure to return from leave without pay will be considered a voluntary resignation. Upon return from leave without pay, an employee will receive any adjustments to the compensation plan of the employee’s class or to the compensation plan as a whole.

714.1 Leave Without Pay–Eligibility

An employee’s request for leave without pay will be considered for the following situations:

- A. A regular employee who has exhausted annual and/or sick leave.
- B. A probationary employee who has exhausted sick leave or in a situation where sick leave is not applicable.
- C. A temporary employee who is not eligible for leave with pay.
- D. An employee may be eligible for leave without pay for family and medical leave in accordance with Rule 712.1.

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714.2 Leave Without Pay–Approval

- A. An employee, as identified in 714.1, who requests leave without pay for purposes other than family and medical leave, shall submit a request in writing to his department head for approval. A copy of such request shall be placed in the employee's personnel file.
- B. An employee who requests non-duty disability leave without pay for family and medical leave purposes, shall request such leave in accordance with Rule 712.2.
- C. An employee who requests non-duty disability leave without pay and is not eligible for family and medical leave shall submit a request in writing, along with a signed, written statement from a licensed health care provider, for approval to the Human Resources Department. The health care provider's statement shall state the date on which the health condition commenced, the probable duration of the condition and the medical facts regarding the condition.
- D. Planned non-duty disability leave shall be submitted, in writing, to the Human Resources Department for consideration of approval prior to the absence.
- E. A department head may authorize leave without pay which does not exceed thirty (30) calendar days. A request for thirty-one (31) or more calendar days is subject to the approval of the City Manager.

714.3 Leave Without Pay–Limit

Leave without pay is limited to a maximum of six (6) calendar months. Leave without pay over six (6) calendar months is subject to the recommendation of the department head and approval of the City Manager in instances determined to be in the best interest of the City.

714.4 Leave Without Pay–Effect

Leave without pay does not constitute a break in service. However, an employee who is on leave without pay for over thirty (30) consecutive calendar days shall have his creditable service as adjusted as follows:

- A. Pay increases and the performance evaluation date shall be postponed one (1) calendar day for each calendar day off, beginning with the first day off on leave without pay.
- B. Annual leave and sick leave shall not be accrued while on leave without pay, beginning with the first day off on leave without pay.
- C. Seniority, longevity and annual leave accrual rate shall be postponed one (1) calendar day for each calendar day off, beginning with the first day off on leave without pay.

714.5 Leave Without Pay–PERA

An employee who is on leave without pay for any length of time does not contribute to PERA nor does the City pay any matching contributions. The time off on leave without pay is not creditable time for

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PERA purposes.

715.0 Military Leave

A regular full-time employee who enters into military duty either by the draft or by voluntary enlistment, other than military training leave as outline in Rule 708.0, shall be granted military leave without pay.

- A. An employee may not withdraw PERA contributions when entering military leave.
- B. An employee has the option of being paid for unused accrued annual leave.
- C. An employee may be reinstated from military leave in accordance with Rule 418.0.
- D. A probationary or temporary employee shall not be granted military leave.

716.0 Non-Duty Disability Leave

- A. An eligible employee may be granted non-duty disability leave without pay to be used as family and medical leave in accordance with Rule 712.2. If such leave is unpaid, the employee shall be subject to all rules pertaining to leave without pay.
- B. An employee who is not eligible for family and medical leave may be granted non-duty disability leave without pay for medical purposes in accordance with Rule 714.2. The employee shall be subject to all rules pertaining to leave without pay.

717.0 Long-Term Educational Leave

An employee who requests educational leave exceeding three (3) months and meets the requirements of Rule 711.0, may be granted long-term educational leave without pay for the entire leave period beyond three (3) months.

718.0 Leave Without Pay–Return from Leave

- A. An employee who requests to return to work from leave without pay which was considered family and medical leave shall be returned to work in accordance with Rule 712.5.
- B. An employee who requests to return to work from leave without pay which was over thirty (30) consecutive calendar days and which was not family and medical leave, may be reinstated, subject to the approval of the City Manager, to his same position or to a position with equivalent pay, benefits, and other terms and conditions of employment, provided that the employee is physically and mentally capable of performing the duties of the position and meets the qualifications and requirements of the position. The City will not guarantee that the employee will be returned to his same job. A determination as to whether a position is equivalent will be made by the City Manager.

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719.0 Unauthorized Leave–Absent Without Leave (AWOL)

An absence for which requested leave is denied or an absence without requesting leave is an absence without official leave. An employee, other than a Fire Department shift employee, who is absent without leave (AWOL) for three (3) or more consecutive working days, or two (2) or more consecutive shifts for a Fire Department shift employee, shall be considered to have voluntarily resigned by abandonment in accordance with Rule 503.3.

720.0 Benefits

The City may provide its employees with various benefits which may include, but are not limited to:

- A. health and life insurance;
- B. retirement;
- C. deferred compensation;
- D. credit union;
- E. uniforms;
- F. worker's compensation.

721.0 Group Health and Life Insurance

- A. A regular or probationary employee who was hired to work thirty-five (35) or more hours per work week is eligible to join the City's group health and life insurance plan. An employee who elects to join the plan shall make premium contributions as determined by the City Manager.
- B. An regular or probationary employee who was hired to work less than thirty-five (35) hours per work week is eligible to join the City's group health and life insurance plan with the employee paying 100% of the premium.

721.1 Group Health and Life Insurance–Leave Without Pay

- A. An employee who is on authorized leave without pay which is considered family and medical leave shall continue on the City's group health and life insurance plan in accordance with Rule 712.4. The employee is responsible for continuing to pay the employee's portion of the premiums.
- B. An employee who is on authorized leave without pay for purposes other than family and medical leave for over thirty (30) consecutive calendar days shall continue on the City's group health and life insurance plan. The employee is responsible for continuing to pay the employee's portion of the premiums.

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721.2 Group Health and Life Insurance–Termination

A regular or probationary employee who terminates his employment for reasons other than retirement or dismissal for cause is eligible to continue on the group health and life insurance plan in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA).

722.0 Supplemental Life Insurance

A regular or probationary employee may participate in the City's supplemental life insurance plan with the employee paying 100% of the premium.

723.0 Public Employees Retirement Association (PERA)

Public Employees Retirement Association (PERA) provides for normal retirement, non-duty and duty disability retirement and death benefits to an employee's dependents. All regular and probationary employees are mandated by state law, unless otherwise exempt, to contribute to PERA and shall begin to contribute on initial appointment.

724.0 Deferred Compensation

All employees are eligible to participate in the deferred compensation retirement plan offered by the City.

725.0 Worker's Compensation

All employees are covered by the Worker's Compensation Act as required by state law for injuries incurred while on duty. Specific rules regarding duty disability leave are outlined in the *Personnel Rules and Regulations*.

CHAPTER VIII DISCIPLINE

800.0 Authority to Discipline

The City Manager, department heads and supervisors have the authority to discipline an employee under their supervision. For suspensions for more than forty (40) hours, or two (2) shifts for Fire Department shift employees, demotions or dismissals which have been recommended by the department head, only the City Manager has the final authority to implement such discipline.

801.0 Grounds for Discipline

An employee may be disciplined for cause. Ignorance of any official rule, regulation or special order shall not be a defense.

802.0 Cause for Discipline

An employee may be disciplined for cause for acts including, but not limited to:

- A. misconduct on the job;
- B. negligence in the performance of duty including negligence in the operation of City vehicles or equipment;
- C. negligence or failure to adhere to established safety rules or regulations as well as willful unsafe conduct;
- D. unsatisfactory work performance;
- E. off-duty behavior which discredits City service or affects the employee's ability to effectively perform his duties and carry out his responsibilities will be cause for disciplinary action;
- F. attempting to influence or using an employee's position or official authority for the purpose of interfering with or affecting the results of an election or nomination for a political candidate or an individual running for office;
- G. insubordination; failure to comply with the lawful orders of a supervisor including the refusal to accept after hours work assignments;
- H. unauthorized absence from work;
- I. physical or mental unfitness for duty due to being under the influence of alcohol or controlled substances including illegal drugs as well as the abuse or misuse of prescription drugs;
- J. consumption or possession of alcohol or controlled substances while on duty or on City property;
- K. acceptance of money, gifts, privileges or other valuable consideration;

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- L. use of official position or authority for personal profit or advantage;
- M. misuse, theft or destruction of City property;
- N. unauthorized disclosure of confidential information from City records or documents as set forth by applicable state laws; falsification, destruction or unauthorized use of City records, reports or other City data;
- O. being convicted of a criminal offense or other conduct punishable as a crime; however, a charge of a criminal offense does not require a conviction to justify disciplinary action under administrative law;
- P. violation of any rule in the *Personnel Rules and Regulations* or supplemental rules;
- Q. violation of a professional code of ethics accepted by those in the same profession as an employee;
- R. abuse of sick leave, claim of sickness under false or misleading pretenses, habitual tardiness or habitual absence;
- S. non-cooperation by an employee with fellow employees or other personal conduct which substantially interferes with the performance of his or another employee's work, including quarreling or fighting while on duty or on City property.
- T. falsification of City employment application, health history forms, worker's compensation claims, time sheets or any other document used in the employment process;
- U. leaving the work site without appropriate authorization or failure to adhere to the established work schedule;
- V. using work time or City property for the display, advertisement or sale of any item or for the solicitation of funds not directly related to the employee's job;
- W. failure to report duty injuries, accidents or vehicle collisions;
- X. failure to report loss of driver's license;
- Y. operation of a City vehicle or a private vehicle while on City business without a driver's license.

803.0 Initiation of Disciplinary Action

- A. It is recommended that the supervisor include the following information on the disciplinary action form:
 - 1. identification of the incident, date of occurrence and persons involved that generated the consideration for discipline;

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2. the investigation of the incident conducted by the supervisor;
 3. the charges against the employee and discipline under consideration;
 4. the date for the pre-determination hearing, if applicable;
 5. the results of the pre-determination hearing and/or the initiation of discipline or dismissal of charges.
- B. The written disciplinary action will be presented to the employee and the employee shall sign the form. The employee's signature does not denote agreement with the action. The employee's signature merely acknowledges receipt of the document. The original disciplinary action form with the employee's signature shall be filed in the employee's personnel file in the Human Resources Department.

804.0 Pre-Determination Hearings

- A. Pre-determination hearings are only required if the discipline under consideration has an actual, as opposed to future or anticipated, economic or financial effect on the employee. This is not an evidentiary hearing. The purpose of the pre-determination hearing is to provide the employee an opportunity to respond to the charges. Pre-determination hearings are conducted by a person of higher authority than the supervisor who is recommending the disciplinary action. Any waiver of the pre-determination hearing by the employee must be in writing and signed by the employee.
- B. A regular employee who is subject to discipline shall be entitled to a pre-determination hearing as outlined in Rule 804.0 (A).
- C., A probationary or temporary who is subject to discipline is not entitled to a pre-determination hearing.

805.0 Disciplinary Action

- A. The level of discipline to be imposed will depend upon the severity of the infraction and will be decided on a case-by-case basis. A specific infraction may justify severe disciplinary action up to and including termination.
- B. A probationary or temporary employee is an at-will employee and can be disciplined or dismissed at any time with or without cause.

806.0 Written Reprimand

An employee may be reprimanded in writing by a supervisor for cause. A pre-determination hearing is not required for the issuance of a written reprimand.

CHAPTER VIII DISCIPLINE

807.0 Suspension

- A. An employee may be placed on suspension from duty without pay for cause, following a pre-determination hearing.
 - 1. If a supervisor determines that it is necessary to immediately remove an employee from the work site, the employee will be placed on administrative leave with pay, while the investigation and/or pre-determination hearing are conducted.
- B. Pre-determination hearings for suspensions for over forty (40) hours, or two (2) shifts for Fire Department shift employees, will be heard by the City Manager or designee.
- C. Suspensions without pay for over thirty (30) consecutive calendar days shall not be creditable service for purposes of pay increases, seniority, longevity, annual leave accrual rate, performance evaluation or other purposes, beginning with the first day off on suspension without pay.

808.0 Demotion

An employee may be demoted to another position in a lower pay grade for cause following a pre-determination hearing and approval by the City Manager.

809.0 Dismissal

An employee may be dismissed for cause following a pre-determination hearing and approval by the City Manager.

810.0 Relief from Duty Pending Investigation

When there is reason to believe or suspect that the safety or welfare of a department, its facilities, its property, its employees or the public may be endangered or an investigation impaired, an employee whose conduct is being investigated may be relieved from duty by his department head with pay, as determined by the City Manager, during the time of the investigation.

811.0 Discipline–FLSA Overtime Exempt Employees

An employee who is exempt from overtime as defined by the FLSA, and is subject to suspension without pay, shall have such discipline imposed in accordance with the FLSA.

CHAPTER IX APPEALS

900.0 Employees Not Eligible for Class A or Class B Appeals

The City Manager, Assistant City Manager, or a probationary or temporary employee may not utilize the appeal process for Class A or Class B appeals. The City Manager or Assistant City Manager, may, however, request a hearing by giving written notice to the Mayor. The City Council will hear the appeal and make a final decision by a simple majority vote. The City Council may decide not to hear the appeal. In such situations, the action stands as taken. If the City Council hears the case, the decision will be final and binding on all parties.

901.0 Class A Appeals

A regular employee, other than City Manager, Assistant City Manager, or a probationary or temporary employee, may submit a written request to the employee's immediate supervisor for issues based upon allegations of violation, misinterpretation or misapplication of the *Personnel Rules and Regulations* or department policies or written reprimands. This procedure does not apply to disciplinary suspensions, demotions or terminations which have an actual financial adverse impact on the employee.

901.1 Class A Appeals–Procedure

- A. Step One. The employee shall file his written grievance with his immediate supervisor within 168 hours (seven [7] calendar days) of the date of the action or incident grieved. The written grievance shall be mailed, return receipt requested, or hand-delivered and a receipt obtained, to the immediate supervisor. The grievance shall identify the specific alleged violation, cite the rule number(s) on which the grievance is based, identify the date the alleged incident occurred, identify the management person involved, specify the relief requested, and shall be signed and dated by the employee. The employee shall schedule a meeting with his supervisor for the purpose of attempting to resolve the grievance. The supervisor and the department head may participate in such meeting. If the grievance is not resolved within seven (7) calendar days of the filing date, the employee shall, if he desires to pursue the grievance further, submit his written appeal to the Human Resources Director for review by the City Manager or designee. Such appeal shall be filed within ten (10) calendar days of the filing of the grievance with the employee's supervisor. The written appeal shall be mailed, return receipt requested, or hand-delivered and a receipt obtained, to the Human Resources Director.
- B. Step Two. The Human Resources Director will schedule a meeting between the employee and the City Manager or his designee for the purpose of attempting to resolve the appeal. Following the meeting between the employee and the City Manager or designee, the City Manager shall render a written decision regarding the appeal. The City Manager's decision is final and binding and is not appealable through any other process.

902.0 Class B Appeals

A regular employee, other than City Manager, Assistant City Manager, City Attorney, Assistant City Attorney, or a probationary or temporary employee, may submit a written request to the employee's immediate supervisor for disciplinary actions involving suspensions, demotions or terminations which have an actual financial adverse impact on the employee.

902.1 Class B Appeals–Procedure

- A. Step One. The employee shall file his written grievance with his immediate supervisor within 168 hours (seven [7] calendar days) of the date of the action or incident grieved. The written grievance shall be mailed, return receipt requested, or hand-delivered and a receipt obtained, to the immediate supervisor. The grievance shall identify the specific alleged violation, cite the rule number(s) on which the grievance is based, identify the date the alleged incident occurred, identify the management person involved, specify the relief requested, and shall be signed and dated by the employee. The employee shall schedule a meeting with his supervisor for the purpose of attempting to resolve the grievance. The supervisor and the department head may participate in such meeting. If the grievance is not resolved within seven (7) calendar days of the filing date, the employee shall, if he desires to pursue the grievance further, submit his written appeal to the Human Resources Director for review by the City Manager or designee. Such appeal shall be filed within ten (10) calendar days of the filing of the grievance with the employee's supervisor. The written appeal shall be mailed, return receipt requested, or hand-delivered and a receipt obtained, to the Human Resources Director.

- B. Step Two. The Human Resources Director will schedule a meeting between the employee and the City Manager or his designee for the purpose of attempting to resolve the appeal. If the appeal is not resolved within fourteen (14) calendar days of the filing date with the Human Resources Director, the employee shall, if he desires to pursue the appeal further, submit his written appeal to the Human Resources Director requesting a hearing before a hearing officer. Such appeal shall be filed within twenty (20) calendar days of the filing of the appeal for review by the City Manager. The written appeal shall be mailed, return receipt requested, or hand-delivered and a receipt obtained, to the Human Resources Director.

- C. Step Three. The City Manager will appoint a hearing officer.
 - 1. The parties shall advance \$100.00 each into escrow for payment toward the hearing officer's fees and expenses. The escrow will be held by the Finance Officer. The hearing shall not be set until the parties have deposited the \$100.00 with the Finance Officer. If the employee prevails, he will be reimbursed for the \$100.00 filing fee.
 - 2. The hearing officer will provide dates from which the parties will select a mutually acceptable date for the hearing.
 - 3. The parties are entitled to a representative at the party's own expense.
 - 4. The hearing shall provide for opening statements, presentations of evidence, testimony and cross-examination of witnesses and closing arguments by both parties. Potential witnesses shall be excluded from the hearing prior to their testimony.

CHAPTER IX APPEALS

5. The authority and responsibilities of the hearing officer include:
 - a. The hearing officer shall determine what evidence will be accepted.
 - b. The hearing officer shall swear in all witnesses.
 - c. The hearing officer is limited to the actual language in question and may not add to nor subtract from the language that exists in the *Personnel Rules and Regulations* or department policies.
 - d. The hearing shall be under the control of the hearing officer and he may disqualify or bar a witness or person from testifying or attending the hearing. The hearing officer may adjourn or recess the hearing at any time due to an unruly participant. The hearing officer shall decide when and if the hearing will continue.
 - e. If an issue of timeliness, procedural or substantive jurisdiction or grievability exists, the hearing officer shall render a decision on such issue prior to proceeding with the merits of the case.
 - f. The hearing officer shall render a written decision based on the evidence and testimony presented at the hearing.
 - g. The decision of the hearing officer is final and binding on the parties.
 - h. The fees and expenses of the hearing officer shall be shared equally by the appellant and the City. Any excess monies from the escrow account shall be divided equally and returned to the parties.

903.0 Intimidation of Witnesses

No party to a hearing shall intimidate or coerce any witness.

904.0 Waiver of Right of Appeal

A regular employee who fails to submit the written request for grievance/appeal at any step within the stated time limit shall be deemed to have waived the right of appeal and hearing.

CHAPTER X PROHIBITED ACTIVITIES

1000.0 Discrimination

The City adheres to an equal employment opportunity policy. An employee who feels that he has been discriminated against in any aspect of Personnel Administration because of age, sex, race, color, religion, veteran status, ancestry, national origin, sexual orientation, gender identity, or physical or mental impairment, shall report such action or incident immediately to the Human Resources Department. The Human Resources Department, in cooperation with the Legal Department, shall investigate the matter and recommend to the City Manager such action as deemed necessary. The employee shall be notified in writing of the action taken.

Separate from and notwithstanding investigation and actions by the City, such employee may file a charge alleging discrimination with the New Mexico Human Rights Commission and/or the Equal Employment Opportunity Commission.

1001.0 Harassment

The City will not tolerate verbal or physical conduct by any employee which harasses, disrupts or interferes with another employee's work performance or which creates an intimidating, offensive or hostile environment.

1001.1 Harassment–Sexual

It is against the policy of the City of Roswell, and illegal under state and federal law, for any employee, male or female, to sexually harass another employee.

- A. Sexual harassment means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
 - 1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - 2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; or
 - 3. such conduct has the purpose or effect of substantially interfering with an individual's job performance or as creating an intimidating, hostile or offensive working environment.
- B. Other sexual harassing conduct in the work place, whether committed by supervisory or non-supervisory personnel, is also prohibited. Such conduct includes, but is not limited to:
 - 1. either explicitly or implicitly conditioning any term of employment (i.e. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
 - 2. touching or grabbing a sexual part of an employee's body;

CHAPTER X PROHIBITED ACTIVITIES

3. touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact is unwelcome;
4. continuing to ask an employee to socialize on or off duty when that person has indicated that he is not interested;
5. displaying or transmitting sexually suggestive pictures, objects, cartoon or posters if it is known or should be known that the behavior is unwelcome;
6. continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
7. referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
8. regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
9. derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
10. off duty conduct that falls within the above definition and affects the work environment.

1002.0 Reporting of Discrimination or Harassment

An employee who believes that he has been discriminated against or harassed as defined in Rule 1000.0, 1001.0 or 1002.0, either by the actions or words of a supervisor, fellow employee or non-employee (in certain instances), has a responsibility to report such as soon as possible to his supervisor or to the Human Resources Department. The report shall identify the specific alleged violation, cite the rule number(s) on which the allegation is based, identify the date the alleged incident occurred, identify the person(s) involved, specify the relief requested, and shall be signed and dated by the employee.

1002.1 Reporting of Discrimination or Harassment–Investigation

- A. The Human Resources Department will make all reasonable efforts to initiate an investigation into the allegations and to conclude the investigation in a timely fashion, as appropriate.
- B. The Human Resources Department, in cooperation with the Legal Department, will have primary responsibility for investigating complaints relating to discrimination and/or harassment, if an investigation is warranted.
- C. Upon conclusion of the investigation, a written report shall be made to the Legal Department for review by the City Manager.

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CHAPTER X PROHIBITED ACTIVITIES

- D. The employee making the allegation and the person against whom the allegation is made shall be informed when the investigation is completed.

1002.2 Reporting of Discrimination or Harassment–Discipline

An employee who is found, after an investigation, to have engaged in harassment in any form will be subject to appropriate disciplinary action, depending on the circumstances, up to and including dismissal.

1002.3 Reporting of Discrimination or Harassment–Retaliation

The City of Roswell prohibits retaliation against any employee who reports and/or provides any information concerning unlawful discrimination or harassment. An employee who is found to be engaging in retaliation will be subject to disciplinary action up to and including dismissal.

1002.4 Reporting of Discrimination or Harassment–Confidentiality

- A. The investigation will be conducted in an impartial and confidential manner as possible.
- B. The Human Resources Department, in cooperation with the Legal Department, shall maintain records concerning the investigation. The City of Roswell will not release any investigative files or reports, including but not limited to, interviews and findings unless authorized by the Legal Department or pursuant to a court order.

1003.0 Alcoholic and Controlled Substances

- A. An employee is strictly prohibited from:
 - 1. being under the influence of alcohol or controlled substances, including the use of illegal drugs and abuse or misuse of prescription drugs, during regular working hours or at any other time while performing duties for the City;
 - 2. consuming or possessing any alcoholic beverage or controlled substance in or upon any City facility, City property, City vehicle or City job site at any time whether on duty or not;
 - 3. being under the influence of alcohol or controlled substance including the use of illegal drugs and abuse or misuse of prescription drugs or consuming or possessing such while wearing a City uniform, whether on duty or not.
- B. An employee may be required to submit to chemical tests when a supervisor has cause to believe the employee is under the influence of alcohol or a controlled substance.
- C. An employee who violates any portion of Rule 1003.0 (A) above is subject to disciplinary action up to and including dismissal.
- D. This rule shall not be interpreted as to prohibit the possession of alcoholic beverages for the purpose of sale or service to the public within a facility owned by the City when the

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CHAPTER X PROHIBITED ACTIVITIES

City Council has approved such sale and service and further providing that said facility is properly licensed under the applicable statutes of the State of New Mexico and ordinances of the City of Roswell.

1004.0 Firearms

The carrying and storage of firearms by an employee of the City shall be regulated as follows:

- A. While on duty of the City, no employee, except authorized sworn officers of the Police Department, Air Center Manager or designee, or Animal Control Officers shall be allowed to carry any firearms.
- B. No firearm shall be carried in any City vehicle except authorized Police Department vehicles, Air Center Manager or designee vehicles, or Animal Control vehicles.
- C. While on duty for the City, no employee, except sworn officers of the Police Department, shall carry a firearm in a private vehicle being used for City business, or bring a private vehicle containing a firearm onto City-owned or controlled property.
- D. No firearm shall be kept or stored in any City-owned building or facility except the Police Department headquarters unless authorized in writing by the City Manager. This shall not prohibit the display or exhibition of firearms within an historical or cultural exhibit at the Roswell Museum and Art Center.

DEFINITIONS

A

absent without leave (AWOL)--unauthorized absence from work whether denied and/or as a result of failure to submit a request and obtain approval.

active duty--training with an organized unit of the United States Armed Forces or New Mexico National Guard.

annual leave--pre-scheduled and approved paid time off.

appeal--written request for a hearing.

applicant--person who has completed the required application form for a posted job opening.

appointment--formal, written authorization of the hiring, transfer, promotion or demotion of a person to fill a budgeted vacant position.

Assistant City Manager--unclassified employee who reports directly to the City Manager, is entrusted with various administrative and supervisory functions as may be delegated by the City Manager and who shall also serve temporarily as acting City Manager in his absence.

authorized leave--absence which has been requested by an employee and approved by proper management personnel.

C

calendar days--consecutive days.

calendar year--January 1 through December 31.

call back--official order for an employee to report back to work following completion of his regularly scheduled shift and during the employee's regular non-duty hours.

cause--motive or reason for discipline or termination.

City--City of Roswell.

City Council--policy-making body of the City.

City Manager--chief administrative officer of the City appointed by the City Council.

class--group of positions with similar duties and responsibilities, similar qualifications and pay grade assignment within one class title.

class code--number assigned to a class for record keeping purposes.

DEFINITIONS

class specification--written statement of the characteristics, examples of work performed, educational requirements, experience and other necessary requirements and qualifications of a position.

class title--title of a class.

classification (noun)--same as class.

classification (verb)--analysis of positions based on comparative duties, responsibilities and qualifications by which classes are determined.

classification plan--grouping of classes supported by class specifications.

classified position--position which is entitled to all rights and benefits provided in the *Personnel Rules and Regulations*.

compensation plan--basic pay schedule of classified positions as adopted by City Council with each class assigned to a pay grade as approved by the City Council.

compensatory time--time off given in lieu of overtime pay. The City does not authorize the use of compensatory time.

continuous service--time worked or authorized leave which is considered employment without a break in service for purposes of pay increases, seniority, longevity, annual leave accrual rate, performance evaluation and other purposes.

court leave--authorized absence for time spent in court.

D

deferred compensation--an all-employee paid supplemental retirement plan through the United States Conference of Mayors.

demotion--appointment of an employee to a position in the same or different department with a lower pay grade assignment.

department--major function area within the City.

department head--employee who has administrative responsibility for a department.

disability--physical, mental or emotional inability to perform the essential functions of a position.

discipline--action taken by management with regard to, but not limited to, an employee's performance, behavior or infraction of rules and regulations such as written reprimand, suspension, demotion and dismissal.

DEFINITIONS

dismissal--involuntary termination of an employee with or without cause, as appropriate, by the City Manager.

duty disability leave--authorized absence for an employee injured while on duty. Includes both duty injury and worker's compensation for payroll purposes.

E

educational leave--authorized absence for formal education or training directly related to the duties of the position; can be either short or long-term.

emergency leave--authorized absence for serious illness or death of a family member.

employee--person appointed to a position.

examination--objective, valid and reliable test to measure the capacity and fitness of an applicant to perform the duties of a position.

exempt position--position which is not eligible for overtime pay as defined by FLSA.

F

family--for emergency leave purposes, includes spouse, child, parent, parent-in-law, grandparent, grandparent-in-law or other person deemed by the Human Resources Director to be of like relationship.

family and medical leave--authorized absence for the following reasons:

1. birth of an employee's child and to care for the child;
2. placement of a child with the employee for adoption or foster care;
3. to care for a family member, as defined by the FMLA, who has a serious health condition;
4. serious health condition that renders the employee incapable of performing the functions of his job.

Family and Medical Leave Act--Family and Medical Leave Act.

FLSA--Fair Labor Standards Act.

full-time position--position which requires performance of forty (40) hours or more of work per work week.

DEFINITIONS

H

harassment--verbal or physical conduct by an employee which disrupts or interferes with another employee's performance or which creates an intimidating, offensive or hostile environment.

hours worked--actual number of hours worked per work week, excluding annual, sick or other paid leave.

Human Resources Department--department which has the authority and responsibility to manage the personnel functions of the City.

I

immediate family--for sick leave purposes, parent, spouse, child or step-child regularly residing in an employee's home.

incumbent--current employee in a position.

initial probation--probation of one (1) year for an employee upon initial appointment to a classified regular full or part-time position during which time the employee is a at-will employee.

involuntary termination--unwillful termination by an employee from City service with or without cause, retirement, death or layoff.

J

job description--same as class specification.

job opening--vacant position that the City has decided to fill and for which applications are solicited and accepted by the City.

job posting--announcement of a job opening by posting on City bulletin boards.

jury duty leave--authorized absence for time spent serving as a jury member.

L

layoff--termination of an employee when his position is discontinued or abolished due to lack of work, lack of funds, reorganization, change of duties or other reasons deemed by the City Manager to be in the best interest of the City.

leave--authorized or unauthorized absence during regularly scheduled work hours.

leave with pay--authorized absence for which an employee is paid.

DEFINITIONS

leave without pay--authorized absence for which an employee is not paid.

M

military duty--training and service performed by an inductee or enlistee in the United States Armed Forces including time spent in reporting for and returning from such training and service.

military leave--authorized absence without pay for a regular full-time employee who enters military duty in response to the draft or by voluntary enlistment.

military training leave--authorized absence for an employee who is ordered to active duty to train with an organized unit of the United States Armed Forces Reserve or New Mexico National Guard.

N

nepotism--favoritism shown to a relative on the basis of a relationship for appointment to a position; for purposes of the *Personnel Rules and Regulations*, consanguinity or affinity to the third degree to include step-family members.

non-duty disability leave--authorized absence for an employee for medical purposes.

non-exempt position--position which is eligible for overtime pay as defined by FLSA.

O

on call (waiting to be engaged)--an employee is on call (waiting to be engaged) when:

- A. following completion of his regularly scheduled shift, an employee is assigned to be “on call” to respond to after-hours emergencies but is required only to leave word at his home where he may be located in the event of a call;
- B. following completion of his regularly scheduled shift, the employee is assigned to be “on call” and is provided with a pager (beeper) so that he may effectively use his time for his own purposes and still respond to an emergency call when paged.

Under FLSA, on call (waiting to be engaged) is not work time, does not have to be paid time and does not count in the accumulation of hours worked for overtime pay purposes.

on duty--time spent at a work site which is paid time.

overtime--work in excess of the normal forty (40) hour work week for all FLSA overtime non-exempt employees, except in the case of Fire Department shift employees and sworn Police Department employees. In the case of FLSA overtime non-exempt Fire Department shift employees, overtime is work in excess of one hundred six (106) hours per pay period. In the case of FLSA overtime non-exempt sworn Police Department employees, overtime is work in excess of eight-six (86) hours per pay period.

DEFINITIONS

P

part-time position--position which requires performance of less than forty (40) hours per work week.

pay day--issuance of pay checks every other Friday.

pay grade--schedule of pay steps to which a classified position is assigned consisting of a minimum step and a maximum step and intervening steps.

pay period--fourteen (14) calendar days from Friday 12:00 a.m. to Thursday 11:59 a.m.

pay schedule--compensation plan for classified positions consisting of pay grades.

pay step--one (1) rate of pay in a pay grade; also referred to as "step".

pay week--seven (7) calendar days from Friday 12:00 a.m. to Thursday 11:59 a.m.

PERA--Public Employees Retirement Association; retirement plan for employees.

performance evaluation--written rating of the job performance of an employee by his supervisor.

Performance Improvement Plan (PIP)---plan that states the area of responsibility and standards of performance or behavior that are deficient on the part of an employee; also identifies results of improvement that are expected and the time frame in which to obtain desired improvements.

personnel file--permanent record of an employee regarding his employment with the City maintained by the Human Resources Department. This file shall not be purged except by order of a court or tribunal of competent jurisdiction.

Personnel Rules and Regulations--outline of basic personnel policies, practices and procedures of the City.

physical examination--test by a licensed physician to determine medical suitability to perform duties of a position.

position--aggregate of duties and responsibilities performed by an employee as a regular assignment.

pre-determination hearing--hearing held prior to disciplinary action which has an actual, as opposed to future or anticipated, financial/economic effect on the employee.

probation--trial period of employment during which an employee's performance is evaluated; may be initial probation or probation on transfer, promotion or demotion for certain Fire and Police Department positions.

probationary employee--employee appointed to a classified position who has not completed initial probation, has no right of appeal and can be terminated with or without cause.

DEFINITIONS

promotion--appointment of an employee to a position in the same or different department with a higher pay grade assignment.

R

reclassification--process of determining whether a position is improperly classified.

reinstatement--person returned to employment with the City following military leave or layoff.

regular employee--employee in a classified regular full or part-time position who has successfully completed initial probation.

regular position--position established with the expectation of indefinite continuity which is either full or part-time.

relief from duty--official order by a department head to an employee to leave the work site for cause.

relief from duty pending investigation--official order by a department head to an employee to leave the work site, with pay, as determined by the City Manager, during the time of the investigation.

retirement--involuntary or voluntary termination by an employee due to normal retirement or disability retirement.

S

selection--recommendation by a department head to the City Manager for an applicant to be appointed to a position.

shift employee--for purposes of the *Personnel Rules and Regulations*, an employee in the Fire Department who works 24 hours on and 48 hours off or 2,920 hours per year, or an employee in the Police Department who works 10 hour shifts or 2,080 hours per year.

standby (engaged to wait)--an employee is on standby (engaged to wait) when:

- A. following completion of his regularly scheduled shift, an employee is required to remain on, or so close to, the City's premises that he cannot use his time effectively for his own purposes;
- B. following completion of his regularly scheduled shift, an employee is required to remain at home immediately available by phone.

Under FLSA, standby (engaged to wait) time is work time and the employee must be paid at the applicable rate.

DEFINITIONS

supervisor--employee who is responsible for other employees of the City and has authority in the interest of the City to discipline, assign and direct subordinate employees.

supplemental rules--rules drafted by a department head to meet specific needs of a department, upon approval by the City Manager, and have equal authority to the *Personnel Rules and Regulations*.

suspension--absence without pay imposed on an employee by a supervisor for disciplinary reasons.

T

temporary employee--person appointed to a position for a specific period of time.

temporary position--position established for six (6) months or less.

termination--involuntary or voluntary end of employment of an employee.

transfer--lateral movement of an employee to the same position in another department or to another position in the same or different department with the same pay grade assignment as the original position.

U

unclassified position--position which is entitled to all other rights and benefits except recourse through the appeal procedure.

unauthorized leave--absence for which requested leave is denied or absence without requesting leave.

V

vacancy--budgeted position without an incumbent that the City has decided to fill.

voluntary termination--voluntary termination of employment by an employee by resignation or retirement.

W

work week--same as pay week.

worker's compensation--legally established to provide benefits to an employee who is injured while on duty.

written reprimand--discipline for cause which is recorded in the employee's personnel file.

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